COSTS

IN THE

COURT OF CHANCERY;

WITH

PRACTICAL DIRECTIONS AND REMARKS

FOR THE

Guidance of the SOLICITOR in conducting of a Cause,

FROM THE COMMENCEMENT TO ITS CLOSE;

And also in the conducting other Proceedings in Matters under the Jurisdiction of the Court, or of the LORD CHANCELLOR.

In which the *present Practice* therein (particularly before the MASTER) is fully explained,

In a Manner entirely new.

WITH AN APPENDIX,

CONTAINING

A VARIETY OF MODERN PRECEDENTS, IN NECESSARY USE DURING THE PROGRESS OF A CAUSE.

By a SOLICITOR of the Court.

THE SECOND EDITION;

With considerable ADDITIONS, NOTES, and REFERENCES, &c.

Including the COSTS and PRACTICE in Proceedings under a Commission of LUNACY.

4°

LONDON:

PRINTED FOR W. CLARKE AND SON, PORTUGAL-STREET, LINCOLN'S-INN.

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Rec. Oct. 19, 1887

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TO THE

PRESENT EDITION.

THE very flattering Approbation with which the firſt Edition of this Work has been received by the Profeſſion at large, and the general Utility which it has been found to poſſeſs, is no ſmall gratification to the Author: under this impreſſion he has been induced to prepare a ſecond Edition, and to render it ſtill more uſeful, by inſerting various Notes and References from Books of Authority illuſtrative of the preſent Practice. He has alſo added the Coſts and method of proceeding under a Commiſſion of Lunacy, which, he believes, is not extant in any other Work: in this Edition he has endeavoured to render the Practice of the Court as familiar and eaſy to the young Solicitor as the Nature of the Work would admit of, and at the ſame time he hopes that the experienced Solicitor will reap ſome advantage from his Labours.

EASTER TERM, 1795.

ADVERTISEMENT

TO THE

FIRST EDITION.

THE following Work, the Reſult of an extenſive Practice, is intended for the Aſſiſtance of the Junior Part of the Profeſſion; and to them it is dedicated: Yet the Author is not without Hopes ſomething may be found in it uſeful to the Profeſſion in general. The Plan is entirely new; and he can confidently aſſert, that it will not be found to contain a heterogeneous Compilation from other Works, arranged without any Method or Order. He has attempted to give a regular and connected Account of a Suit in Chancery, to deſcribe its Progreſs, and the Manner of tranſacting the practical Part of the Buſineſs; wherein he has interſperſed ſuch Obſervations as he hopes will be of Service to the Solicitor.—The Precedents of Bills of Coſts may be relied upon, as the moſt Part of them were taken from actual Buſineſs, and had undergone Taxation before the Maſter. However, if any Imperfections ſhould be diſcovered, he hopes for the candid Allowance of a generous and liberal-minded Profeſſion. If the Work ſhould ſucceed in the ſmalleſt Degree, he will think himſelf ſufficiently compenſated; he will have at leaſt one Satisfaction, namely, that his Intentions were well meant.

ERRATUM.

The Reader is requeſted to make the following Addition to the Note at the bottom of Page 55.

" But in Practical Regiſter 49, it is ſaid to have been then held that a Defendant muſt appear to " a Bill of Revivor; and in Henderſon *v.* Meggs, 2 Br. 127, it was held, that where a Defen- " dant has appeared and anſwered the original Bill, if he cannot be found to be ſerved with the " Subpœna to anſwer a Bill of Revivor, the Plaintiff muſt proceed under 5th Geo. 2. cap. 25, to " have the Bill taken pro confeſſo."

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COSTS

IN THE

COURT OF CHANCERY.

BILL OF COSTS FOR PLAINTIFFS,

In a Suit for the carrying the Truſts of a Will into Execution.

BETWEEN *John Lawrence, Sophia Lawrence, Rebecca Lawrence, and Lucy Lawrence, which ſaid Sophia, Rebecca, and Lucy are Infants, by the ſaid John Lawrence, their Brother and next Friend; Mary Lawrence, their Mother, John Stephens the Younger, and John Norris and Charlotte his Wife (formerly Charlotte Stephens) Deviſees and reſiduary Legatees, named in the laſt Will of Stephen Lawrence, deceaſed,* —— —— —— —— PLAINTIFFS;

AND

George Wilſon and William Johnſon, Executors and Deviſees in Truſt, named in the Will of the ſaid Stephen Lawrence; Stephen Lawrence, the Heir at Law and Deviſee named in the ſaid Will of the ſaid Stephen Lawrence; John Stephens the Elder, William Lawrence, a Bankrupt, and Charles Harding and John Smith, his Aſſignees; John Williams, Charles Williams, Joſeph Williams, Jane Holroyd the Wife of Joſeph Holroyd, a Perſon of unſound Mind, by the ſaid Joſeph Williams her Guardian; John Clarke, a Mortgagee of Part of the Teſtator's Eſtate; and the ſaid Joſeph Holroyd, out of the Juriſdiction of the Court, DEFENDANTS.

By Original and Amended Bill and Bills of Revivor and Supplement.

	£.	s.	d.
1785, Dec. 8th. ATTENDING* Mr. John Lawrence, adviſing on the Will of his Uncle, Stephen Lawrence, and taking Inſtructions to ſtate a Caſe thereon for the Opinion of Counſel —	0	6	8
Peruſing the Will, being very long, as further Inſtructions — —	0	13	4
Peruſing the Settlement made on his Marriage — — —	0	6	8
Drawing Caſe, four Brief Sheets — — — —	1	6	8

* The Commencement of this Bill, down to Hilary Term, will not be allowed on Taxation, and therefore forms no Part of the Bill taxed in the Cauſe.

	£.	s.	d.
Fair Copy thereof, for Counſel — — — —	0	10	0
Fee to Mr. Selwyn and Clerk therewith — — —	2	4	6
Attending him — — — — — —	0	6	8
Making Copy of the Opinion — — — —	0	2	6
Attending Mr. John Lawrence, adviſing on Mr. Selwyn's Opinion; when he directed a Suit to be inſtituted in Chancery, agreeable to the Opinion — — — — — —	0	6	8
Letters and Meſſengers — — — — —	0	1	0

In Chancery. LAWRENCE, *and others,*

againſt

WILSON *and others.*

HILARY TERM, 1786.

	CHARGE. £.	s.	d.	TAX OFF. £.	s.	d.
Peruſing the Will, Marriage Settlement, and other Papers, and taking Inſtructions to draw Bill — —	0	13	4	0	6	8
Drawing ſame, fo. 96 — — — —	2	8	0			
Copy thereof for Counſel — — —	0	16	0			
Making Copy of the Will to accompany ſame, and for Uſe during the Cauſe, four Brief Sheets — —	0	10	0			
The like of Settlement, ſix Brief Sheets — —	0	15	0			
To Mr. Cox, to ſettle and ſign Bill — — —	3	3	0			
His Clerk — — — — —	0	2	6	0	2	6
* Attending him — — — —	0	6	8			
Engroſſing Bill — — — —	1	12	0			

* This Fee will not be allowed between Party and Party in ſtrict Coſts.

Paid

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid for Parchment, and Duty, two Skins — —	0 10 0	
Paid filing Bill, and for Rule — — —	0 5 4	
Paid for three Subpœnas — — —	0 19 6	
† Service thereof on ſeven Defendants — —	1 7 6	
Writing to Mr. George, of Bath, with one of the Subpœnas, inſtructing him to ſerve two of the Defendants who reſided there — — — —	0 3 6	0 3 6
Paid his Bill thereon to his Agent in Town, as per Receipt — — — — —	0 16 6	
§ Term Fee, Solicitor — — — —	0 6 8	
Letters and Meſſengers — — —	0 2 0	

EASTER TERM, 1786.

Term Fee, Clerk, and Solicitor, Defendants having obtained Orders for Time — — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

TRINITY TERM following.

Paid for Office Copy Anſwer of the Defendants the Executors, fo. 210 — — — —	9 12 6	
‡ Making cloſe Copy thereof — — —	1 15 0	
Peruſing and conſidering the ſame, in order to ſee if the Bill was fully anſwered — — —	0 13 4	0 13 4

† Perſonal Service 5*s*. Service by leaving the Body of the Subpœna at the Houſe or Lodgings of the Defendant, 2*s*. 6*d*.

§ No Term Fee can be charged for the Clerk in Court of the Term in which the Bill is filed, his Fee being included in the Fee of 5s. 4d. paid filing Bill, and for Rule.

‡ Cloſe Copies will not be allowed, unleſs the Party for whom they are made reſide in the Country.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Writing to Mr. John Lawrence, at Norwich, with the close Copy of the Answer — — —	0 3 6	0 3 6
Paid for Office Copy Answer of the Defendant Stephen Lawrence, the Heir at Law, fo. 24 — —	1 2 0	
Making a close Copy thereof — — —	0 4 0	
Perusing and considering the same, to see if the Bill was fully answered — — — — —	0 6 8	0 6 8
Instructions for Counsel to move to take the Answer of the other Defendants without Oath — — —	0 2 6	
To Mr. Cox, to move — — — —	0 10 6	
Attending him, and Court — — — —	0 6 8	0 6 8
Paid for Order, and Entry — — —	0 6 0	
Paid for an Office Copy of the Answer of the Defendant Charles Williams, fo. 12 — — —	0 11 0	
Paid for an Office Copy of the answer of the other Defendants, fo. 15 — — — — —	0 13 9	
Making close Copy of the two Answers — —	0 4 6	
Perusing and considering the same — — —	0 6 8	0 6 8
* Drawing Notice of Motion, that the Defendants, the Executors, might transfer to the Accountant General the Stocks and Annuities admitted by their Answer to be standing in their own Names, being Part of the Testator's Estate, Copy, and Service — — — —	0 5 0	0 2 0
Drawing and engrossing Affidavit of the Service thereof, Duty, and Oath — — — — —	0 6 9	
Paid filing the same, and for Office Copy — —	0 6 9	
Perusing the Pleadings, and taking Instructions to draw Brief for Counsel on Motion — — — —	0 6 8	0 6 8

* In strict Costs 2s. only is allowed for a Notice of Motion, and in that Charge its Length is not regarded.

Drawing

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Drawing Brief, two Sheets — — —	0 13 4	
Copy thereof for Counſel — — — —	0 5 0	
Copy of the Notice annexed — — —	0 1 0	0 0 6
To Mr. Selwyn therewith, and Clerk — —	1 3 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Attending Court on Motion, when Order was made —	0 6 8	
Paid for the Order — — — —	0 13 6	
* Attending paſſing the ſame — — —	0 6 8	
Paid entering — — — — —	0 5 6	
It being neceſſary to amend the Bill in ſome Particulars, Inſtructions for Counſel to move for Liberty to amend Bill — — — — —	0 2 6	
Fee to Mr. Cox, to move — — —	0 10 6	
Attending him, and Court — — —	0 6 8	0 6 8
Paid for Order, Entry, Copy, and Service — —	0 8 0	
Peruſing the Bill, and making the Amendments therein —	0 6 8	
Paid Clerk in Court, amending the Record — —	0 6 8	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 4 0	0 1 0

TRINITY VACATION.

Abbreviating amended Bill, and Anſwers, fo. 96, 210, 24, 12, 15 = 357	—	—	—	—	2 19 6	
Making two fair Copies thereof for Counſel, ſixteen Briet Sheets each	—	—	—	—	4 0 0	

* On all Money Orders an Attendance to paſs the Order will be allowed; but on other Orders not.

To

	CHARGE. £. s. d.	TAX OFF. £. s. d.
To Mr. Cox, with Brief of Pleadings to adviſe thereon, and on further Proceedings — — — —	3 3 0	1 1 0
His Clerk — — — — —	0 2 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Mr. Cox being of Opinion that the Bill muſt be again amended, by adding another Party Defendant (the Mortgagee of ſome Part of the Eſtate) drawing Petition for Leave to amend, engroſſing, and duty — — —	0 5 1	
Paid anſwering the ſame (at the Rolls) — —	0 5 6	
Paid for Order Entry, two Copies, and Service —	0 9 0	
Drawing Amendments to the Bill — — —	0 6 8	0 6 8
Paid Clerk in Court, amending the Record — —	0 6 8	
* The Defendant living at Hackney, drawing and engroſſing Petition for a Subpœna returnable immediately, and Duty — — — — —	0 4 7	
Drawing and engroſſing Affidavit of the Defendant's Reſidence, in Support of the Petition, Duty, and Oath —	0 5 7	
Paid anſwering Petition — — — —	0 5 6	
Paid filing Affidavit — — — —	0 2 0	
Paid for Order, and Entry — — —	0 6 0	
† Paid for a Subpœna, at private Seal — —	0 9 6	
Service thereof on the Defendant — — —	0 2 6	
Paid for an Office Copy of his Anſwer, fo. 30	1 7 6	
Cloſe Copy thereof — — — —	0 5 0	
Peruſing and conſidering the ſame — — —	0 6 8	0 6 8

* The Coſts of obtaining a Subpœna returnable immediately are not allowed on Taxation between Party and Party in ſtrict Coſts.

† If the Subpœna is ſealed at a Gift Seal, 6*d*. only in addition to the common Charge is paid at the Subpœna Office. A Gift Seal is always allowed by the Chancellor a few Days after the 4th Seal after Hilary and Trinity Terms.

Abbreviating

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Abbreviating the ſame — — — —	0 5 0	
Making two fair Copies thereof, to add to the former Briefs of Pleadings, two Sheets and a half each — —	0 12 6	
Letters and Meſſengers — — — —	0 1 0	

MICHAELMAS TERM, 1786.

Attending Mr. John Lawrence, adviſing on the Death of Mr. William Stephens, one of the Plaintiffs, and on the Alterations made on that Account in the Intereſt of the Parties — — — — —	0 6 8	0 6 8
Peruſing the Pleadings, and taking Inſtructions to draw Bill of Revivor againſt the perſonal Repreſentative, the Defendant John Stephens the Elder — — —	0 6 8	
Drawing Bill, fo. 14 — — — —	0 7 0	
Fair Copy thereof for Counſel to ſettle and ſign —	0 2 4	
To Mr. Cox and Clerk therewith — — —	1 3 6	0 2 6
Attending him — — — — —	0 6 8	
Engroſſing Bill — — — — —	0 4 8	
Paid for Parchment and Duty — — —	0 3 6	
Paid filing ſame, and for Rule — — —	0 5 4	
Paid for Subpœna — — — —	0 6 0	
Service thereof — — — — —	0 2 6	
Inſtructions for Counſel to move to revive Cauſe —	0 2 6	
Fee to him to move — — — —	0 10 6	
Attending him, and Court — — —	0 6 8	
Paid for Order, Entry, Copies, and Service — —	0 12 6	
Replication, and Duty — — — —	0 6 4	
Inſtructions for Counſel to move for Subpnœas to rejoin, returnable immediately; and that Service thereof on the		

Defendant's

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Defendant's Clerk in Court might be deemed good Service; and for a Commiſſion to examine Witneſſes — — —	0 2 6	
Fee to Mr. Cox, to move — — — —	0 10 6	
Attending him, and Court — — — — —	0 6 8	0 6 8
Paid for Order, Entry, three Copies, and Service —	0 10 0	
Paid for four Subpœnas to rejoin — — —	1 6 0	
* Service thereof — — — — —	0 7 6	
Taking Inſtructions for Interrogatories — —	0 6 8	
Drawing ſame, fo. 16 — — — —	0 8 0	
Copy thereof, for Counſel to ſettle and ſign — —	0 2 8	
To Mr. Cox, to ſettle and ſign the ſame, and Clerk, and with a Brief of the Pleadings to adviſe on the neceſſary Evidence — — — — —	2 4 6	0 2 6
Attending him — — — — —	0 6 8	
Engroſſing Interrogatories, fo. 16 — — —	0 5 4	
Paid for Parchment, and Duty — — —	0 3 9	
Attending the Examiner therewith, and inſtructing him —	0 6 8	
Attending Mr. A. and Mr. B. two of the Witneſſes to the Will, to the Prerogative Office, to inſpect the original Will, previous to their Examination — — —	0 6 8	
Writing a Letter to the third Witneſs at Cheſter, requeſting his Attendance in town (in order to ſave the Expence of a Commiſſion) and Copy — — — —	0 3 6	
Paid for a Subpœna againſt that Witneſs — —	0 6 0	
Writing to Mr. Wilbraham of Cheſter therewith, inſtructing him to ſerve the ſame, and to requeſt the Witneſs's Attendance in Town immediately — — —	0 3 6	0 3 6

* 2*s.* 6*d.* is allowed for the Service of each Subpœna; and where one Subpœna is ſerved on two Clerks, then 2*s.* 6*d.* is allowed for the Service of each Clerk in Court.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid him his Bill on that Occaſion — — —	0 17 0	
Attending the Witneſs on his Arrival in Town, and with him to the Prerogative Office, inſpecting the Will —	0 6 8	
Attending the Examiner, appointing a time for the Examination of the Witneſſes to the Will, in order to beſpeak the original Will to be at the Examiner's Office at the Time –	0 6 8	
Attending at the Prerogative Office, giving Directions for the Will to be at the Office — — — —	0 6 8	0 6 8
Paid on that Occaſion — — — —	1 0 0	
Attending the Witneſſes to appoint them, and afterwards attending them to the Examiner's on their Examination -	0 6 8	0 6 8
Paid Mr. C. the Witneſs from Cheſter, for his Loſs of Time, Expences, &c. as per Receipt — — —	6 6 0	
Inſtructions for Counſel to move for Leave to examine the Defendant John Stephens (who was a Witneſs to the Execution of the Marriage Settlement) for the Plaintiffs, ſaving juſt Exceptions — — — —	0 2 6	
To Mr. Cox to move — — — —	0 10 6	
Attending him, and Court — — —	0 6 8	0 6 8
Paid for Order, Entry, three Copies, and Service —	0 10 0	0 1 0
Attending the Defendant thereon, and with him to the Examiners — — — — —	0 6 8	0 6 8
Rule to produce Witneſſes — — —	0 4 4	
Rule to paſs Publication — — — —	0 4 4	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 8 0	0 4 0

MICHAELMAS VACATION, 1786-7,

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid for ſix Clerks Certificate of Pleadings being filed —	0 2 6	
Paid ſetting down Cauſe, and for the Regiſter's Note —	1 5 8	
Paid for four Subpœnas to hear Judgment — —	1 6 0	
Service thereof on ten of the Defendants — —	1 15 0	
Drawing and engroſſing Affidavit thereof, Duty, and Oath —	0 9 10	
Paid filing ſame, and for Office Copy — —	0 9 10	
Attending at ſeveral Places to find out the Reſidence of the Defendant Charles Williams, but without Effect —	0 6 8	
Attending Mr. R. his Solicitor, to requeſt he would accept the Subpœna for the Defendant, which he declined, and enquiring of him where the ſaid Defendant was to be found, which he likewiſe declined informing me —	0 6 8	
Attending the ſaid Defendant's Clerk in Court, making ſimilar Enquiries — — — — —	0 6 8	0 6 8
Drawing Petition to the Maſter of the Rolls, that Service of the Subpœna on the ſaid Defendant's Clerk in Court might be deemed good Service, engroſſing, and Duty —	0 4 7	
Drawing Affidavit in Support thereof, engroſſing, Duty, and paid two Oaths — — — —	0 7 1	
Paid anſwering Petition — — — —	0 5 6	
Paid filing Affidavit — — — —	0 4 0	
Paid for Order, and Entry — — —	0 6 0	
Copy, and perſonal Service thereof, with the Subpœna, on the Clerk in Court — — — —	0 5 0	
Drawing and engroſſing Affidavit of the Service of the Subpœna, Duty and Oath — — — —	0 6 1	
Paid filing ſame, and for Office Copy — —	0 6 1	

Letters

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Letters and Meſſengers — — — —	0 2 0	

HILARY TEQM, 1787.

Paid the Examiner's Bill — — —	2 1 8	
Paid for an Office Copy of the Defendant's Depoſitions, fo. 17 — — — — —	1 0 9	
Abbreviating the Depoſitions, fo. 36 — —	0 6 0	
Making two fair Copies thereof, to add to Briefs of Pleadings, three Sheets each — — — —	0 15 0	
The Defendant William Lawrence having become Bankrupt, attending Mr. John Lawrence, conferring and adviſing thereon, and on the Neceſſity of filing a Supplemental Bill againſt the Aſſignees — — — —	0 6 8	0 6 8
Peruſing the Pleadings, and taking Inſtructions to draw ſupplemental Bill — — — —	0 6 8	
Attending the Solicitor under the Commiſſion, for the Names and Reſidence of the Aſſignees, the Date of the Commiſſion and Aſſignment, and to requeſt that he would put in the Aſſignee's Anſwer immediately, ſo that the Cauſe might be heard without Delay — — — —	0 6 8	
Drawing the Supplemental Bill, fo. 29 — —	0 14 6	
Copy thereof, for Mr. Cox to ſettle and ſign — —	0 4 10	
Fee to him therewith, and Clerk — — —	1 3 6	0 2 6
Attending him — — — —	0 6 8	0 6 8
Engroſſing Bill — — — — —	0 9 8	
Parchment, and Duty — — —	0 4 6	
Paid filing Bill, and for Rule — — —	0 5 4	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid for Subpœna — — — —	0 6 0	
Service thereof on the two Aſſignees — —	0 7 6	
Many Attendances on them, and their Solicitor, to requeſt their Anſwer to be put in immediately, ſo as not to render it neceſſary to adjourn the Cauſe — — —	0 13 4	0 13 4
It being found neceſſary to adjourn the Cauſe, on Account of the Anſwer not being filed in Time, drawing Petition for that Purpoſe, engroſſing, and Duty — —	0 6 1	0 0 6
Paid anſwering the ſame — — — —	0 10 0	
Attending preſenting the ſame, and afterwards obtaining the ſame away anſwered — — — —	0 6 8	0 6 8
Paid for Order, Entry, three Copies, and Service —	0 10 0	
Paid the Regiſter marking the Cauſe adjourned — —	0 1 0	
Paid for Office Copy of the Anſwer of the Aſſignees, fo. 21 -	0 19 3	
Cloſe Copy thereof — — — —	0 3 6	0 3 6
Abbreviating Bill, and Anſwer, fo. 29, 21 = 50 —	0 8 4	
Two fair Copies thereof, to add to former Briefs, four Sheets each — — — — —	1 0 0	
Fee to Mr. Cox, to peruſe the Brief of Bill and Anſwer, and adviſe on the Neceſſity of filing a Replication to the Anſwer — — — — —	1 1 0	
His Clerk — — — — —	0 2 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Replication, and Duty — — — —	0 6 4	
Inſtructions for Counſel to move for Subpœna to rejoin, and that Service on the Defendant's Clerk in Court might be deemed good Service — — — —	0 2 6	
To Mr. Cox to move — — — —	0 10 6	
Attending him, and Court — — —	0 6 8	0 6 8

Paid

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid for Order, Entry, Copy, and Service — —	0 8 0	
Paid for Subpœna — — — —	0 6 0	
Service thereof — — — — —	0 2 6	
Rule to produce Witneſſes — — — —	0 4 4	
Attending the Aſſignees Solicitor, to get him to conſent to paſs Publication immediately, which he agreed to, and attending the Clerks in Court thereon — —	0 6 8	
Paid Clerk in Court Fee conſenting to paſs Publication —	0 3 4	
Drawing Obſervations for Counſel, two Brief Sheets —	0 13 4	
Two Copies thereof annexed to Briefs — —	0 10 0	
Fee to Mr. Selwyn with Brief, and Clerk — —	8 10 6	
Attending him — — — — —	0 6 8	
Fee to Mr. Cox with Brief, and Clerk — —	5 7 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
* Attending the Counſel ſeverally, to get a Conſultation fixed — — — — —	0 13 4	0 6 8
Attending the Conſultation at Mr. Selwyn's Chambers —	0 13 4	
Conſultation Fee to Mr. Selwyn — — —	2 2 0	
The like to Mr. Cox — — — —	2 2 0	
To Mr. Selwyn's Clerk and Servant on Conſultation —	0 7 6	
Paid Coach Hire to and from Conſultation with Papers —	0 2 0	0 2 0
Making Copy of the Title of the Cauſe, and Prayer of the Bill, for the Chancellor — — — —	0 2 6	
Attending at the Prerogative Office in Doctor's Commons, giving Inſtructions for the original Will being brought to Lincoln's Inn Hall on the Hearing of the Cauſe —	0 6 8	

* The Coſts of a Conſultation will not be allowed in Coſts between Party and Party.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
§ Paid on that Occaſion — — — —	1 1 0	0 1 0
March 9th and 10th, attending Court each of theſe Days, the Cauſe being in the Paper, but not called on — —	0 13 4	
——— 11th. Attending Court, Cauſe called on, and Part heard — — — — —	0 13 4	0 6 8
Paid Clerk in Court attending — — —	0 6 8	
——— 12th. Attending Court when the Cauſe was fully heard, and Decree made, Clerk, and Solicitor —	1 0 0	0 6 8
Paid Court Fees, and Officers — — —	0 13 0	
* Paid the Clerk from the Prerogative Office for his Attendance with the Will three Days extra — —	1 11 6	
Paid Coach Hire with Papers during the four Days —	0 8 0	0 8 0
Paid for Copy of the Minutes — — —	0 12 0	
Making a Copy thereof for the Parties — —	0 3 6	0 3 6
Peruſing the ſame, and attending the Defendant's Solicitor thereon, and afterwards on the Regiſter, endeavouring to procure an Alteration to be made therein, but without Effect —	0 13 4	0 6 8
Attending Mr. Cox, adviſing on the Minutes, when he recommended an Application to the Court to rectify the ſame -	0 6 8	0 6 8
Drawing Notice of Motion for that Purpoſe, three Copies and Service — — — — —	0 6 0	
Drawing and engroſſing Affidavit of the Service thereof, Duty, and Oath — — — —	0 6 1	
Paid filing ſame, and for Office Copy — —	0 6 1	
Peruſing Papers, and taking Inſtructions for Brief on Motion — — — — —	0 6 8	0 6 8
Drawing ſame — — — — —	0 6 8	

§ If this Attendance had been in the ſame term as the Attendance on the Examiner (ſee page 9) this Fee would have been no more than 10s.

* Strictly the Clerk's Fee is no more than 10s. for each of theſe Days' Attendance.

Fair

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Fair Copy thereof for Counſel — — —	0 2 6	
Copy of the Minutes for him — — —	0 3 6	
Fee to Mr. Selwyn, to move to rectify Minutes, and Clerk –	1 3 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Attending Court on Motion, when the Minutes were ordered to be rectified as prayed — — —	0 6 8	
Paid for the Order — — — —	0 7 0	
Attending the Regiſter, examining and paſſing ſame, and to procure the Minutes to be rectified agreeably thereto —	0 6 8	0 6 8
Paid entering the Order — — — —	0 3 0	
Paid for a Copy of the Minutes as rectified — —	0 13 0	
Making a Copy thereof — — — —	0 3 6	0 3 6
Peruſing and conſidering the ſame, and attending the Regiſter and the Defendant's Solicitor, finally ſettling the ſame —	0 13 4	0 13 4
Paid for the Decree — — — —	9 2 6	
Peruſing and examining the ſame with the Proceedings, previous to the ſame being paſſed — — —	0 13 4	0 6 8
Attending paſſing the Decree, and examining the ſame with the Defendant's Office Copies the whole Morning —	0 13 4	0 6 8
Paid entering the ſame — — — —	1 12 0	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 8 0	0 3 0

EASTER TERM, 1787.

* Making Copy of the ordering Part of the Decree for the Maſter — — — — —	0 5 0	0 2 6

* Charge 4d. for each Page of the Ordering Part of the Decree where it runs to a conſiderable length.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid for Advertiſement, for the Creditors to come in and prove their Debts — — — —	0 10 6	
Attending the Maſter for the ſame, and afterwards on the Printer of the Gazette therewith — — —	0 6 8	
Paid inſerting the ſame in the Gazette — —	0 13 0	
Paid for the Gazette — — — —	0 0 9	
Making two Copies of the Advertiſement — —	0 2 0	
Paid inſerting the ſame in the Daily Advertiſer and the Morning Herald — — — —	0 7 0	
Attending the Printers therewith — — —	0 6 8	
Peruſing the Pleadings, and taking Inſtructions to draw Interrogatories for the Examination of the Defendants, the Executors — — — — —	0 6 8	
Drawing ſame, fo. 16. and Copy for the Maſter — —	0 8 0	
Warrant on leaving ſame, three Copies, and Service —	0 5 0	
May 10th. Warrant to proceed thereon, three Copies, and Service — — — — —	0 5 0	
—— 12th. Attending thereon, but the Defendant's Solicitor did not attend — — — —	0 6 8	
Another Warrant to proceed thereon, three Copies, and Service — — — — —	0 5 0	
May 14th. Attending thereon, when the Interrogatories were ſettled and allowed — — — —	0 6 8	
Paid for the Maſter's Certificate of Allowance, &c. —	1 7 6	
Paid the Maſter's Clerk engroſſing the Interrogatories, Parchment, and Duty — — — —	0 9 0	
Paid filing Certificate of Allowance, and for Office Copy —	0 4 10	
Warrant for the Defendants, the Executors, to bring in their Examination, Copy, and Service — — —	0 3 0	

Term

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 4 0	0 2 0

TRINITY TERM, 1787.

Another Warrant, for the Defendants, the Executors, to bring in their Examination, Copy, and Service — —	0 3 0	
Paid for peremptory Advertiſement for Creditors —	0 10 6	
Attending for the ſame, and afterwards on the Printer of the Gazette therewith — — — —	0 6 8	
Paid inſerting the ſame in the Gazette — —	0 13 0	
Paid for the Gazette — — — —	0 0 9	
Making two Copies of the Advertiſement — —	0 2 0	
Paid inſerting the ſame in the Daily Advertiſer and the Herald	0 7 0	
Attending the Printers therewith — — —	0 6 8	
Paid for a Copy of the Examination of the Defendants, the Executors, fo. 230 — — — —	10 10 10	
Abbreviating the ſame — — — —	1 18 4	
Peruſing and conſidering the ſame, in order to ſee if the Interrogatories were fully anſwered; when it appeared the Examination was very deficient — — —	1 1 0	0 14 4
Inſtructions for Counſel to move to refer the Interrogatories and Examinations to the Maſter — — —	0 2 6	
Fee to him therewith — — — —	0 10 6	
Attending him, and Court — — — —	0 6 8	0 6 8
Paid for Order, Entry, Copy, and Service — —	0 8 0	
Warrant to proceed thereon, Copy, and Service —	0 3 0	
Another Warrant to proceed thereon, Copy, and Service —	0 8 0	
Attending thereon, when Defendant's Solicitor did not attend	0 6 8	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Peremptory Warrant, Copy, and Service — —	0 3 0	
Attending thereon, when the Maſter declared the Examination to be inſufficient — — — —	0 6 8	
Paid for his Report, &c. — — — —	1 7 6	
Paid filing ſame, and for Office Copy — —	0 5 10	
Warrant for the Defendants, the Executors, to bring in their further Examination, Copy, and Service — —	0 3 0	
Paid for a Copy of their further Examination, fo. 12 —	0 11 0	
Abbreviating the ſame — — — —	0 2 0	
Peruſing and conſidering the ſame — — —	0 6 8	0 6 8
Attending Mr. John Lawrence conferring and adviſing on the Examination, and on the Neceſſity of compelling all Books and Papers, &c. to be left with the Maſter — —	0 6 8	0 6 8
Warrant for the Defendants, the Executors, to bring in all Books and Papers, Copy, and Service — —	0 3 0	
Second Warrant for the like Purpoſe — —	0 3 0	
Third Warrant for the like Purpoſe — — —	0 3 0	
Paid for a Copy of Affidavit of the Production of the Papers, &c. fo. 15. — — — — —	0 7 6	
Attending Mr. John Lawrence conferring on the Defendants Examination, their Accounts, &c.; when it was thought proper to have an Inſpection of the Books and Papers left — — —— — —	0 6 8	0 6 8
Warrant to inſpect ſame, Copy, and Service — —	0 3 0	
Attending thereon, and inſpecting the ſame — —	0 6 8	
The Decree having directed that, in taking the Accounts before the Maſter, it ſhould be diſtinguiſhed what was Principal and what Intereſt of the Teſtator's Perſonal Eſtate, peruſing and arranging the Accounts, Scheduled to the		

Defendant's

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Defendant's Examination, and making a very laborious Calculation of what was Principal and what Intereſt, previous to preparing the Charge — — —	2 2 0	
Drawing Charge of Principal and Intereſt of the Perſonal Eſtate received by Defendant Wilſon, one of the Executors, fo. 80. and fair Copy for the Maſter — —	2 0 0	
Warrant on leaving the ſame, three Copies, and Service —	0 5 0	
Drawing the like Charge againſt the other Defendant and Executor Johnſon, fo. 26 — — —	0 13 0	
Paid for Warrant on leaving ſame, three Copies, and Service — — — — —	0 5 0	
Paid for two Warrants to proceed on the above Charges, three Copies, and Service — — —	0 10 0	
June 6th. Attending each Warrant, and proceeded —	0 13 4	
Paid for two other Warrants to proceed, Copies, and Service	0 10 0	
—— 8th. Attending thereon, when the ſame were allowed —	0 13 4	
Warrant for the Defendants, the Executors, to bring in their Diſcharge, Copy, and Service — — —	0 3 0	
Another Warrant for that Purpoſe, Copy, and Service —	0 3 0	
Paid for a Copy of the Diſcharge of the Defendant Wilſon, fo. 41 — — — — —	1 0 6	
The like of Defendant Johnſon, fo. 18 — —	0 9 0	
Making a Copy thereof for the Parties — —	0 9 10	
Attending Mr. John Lawrence conferring and adviſing thereon, and on ſeveral Items which appeared objectionable —	0 6 8	0 6 8
—— 16th. Attending Warrant on the Defendant Wilſon's Diſcharge, and proceeded — — —	0 6 8	
The like on the Defendant Johnſon's Diſcharge —	0 6 8	
—— 18th. The like Attendances, when the ſame were allowed — — — — —	0 13 4	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid for a Copy of the Defendant Clarke's Charge of Principal and Intereſt due on his Mortgage on Part of the Teſtator's Eſtate, fo. 4 — — — —	0 2 0	
Copy thereof — — — — —	0 0 8	
Attending a Warrant thereon, when the ſame was allowed —	0 6 8	
Attending Mr. John Lawrence conferring and adviſing on the Situation of the Infant Plaintiffs, and on a proper Maintenance to be allowed for them, in order to carry in a Propoſal before the Maſter; and on the Neceſſity of obtaining a ſeparate Report of the Debts and Legacies, in order to have the Allowance for the Maintenance as early as poſſible —	0 6 8	
Paid for a Copy of a Claim of Debt made by John Stephens, a Creditor on Bond and ſeveral Notes of Hand, fo. 10 —	0 5 0	
Paid for a Copy of his Affidavit made in Support thereof, fo. 8	0 4 0	
Making Copies thereof — — — —	0 3 0	
Attending Mr. John Lawrence, conferring and adviſing thereon, and on the Propriety of inſpecting Mr. Stephens's Accounts in the Teſtator's Books — — —	0 6 8	0 6 8
Warrant to inſpect Books, Copy, and Service — —	0 3 0	
Attending thereon, when there appeared a Set-off to the Account — — — — —	0 6 8	
June 14th. Attending a Warrant on the Creditor's Claim, when the Set-off was admitted and allowed, and the Debt aſcertained — — — — —	0 6 8	
Drawing State of Facts reſpecting the Infant Plaintiffs, and a Propoſal for their Maintenance, fo. 20 — —	0 10 0	
Attending Mr. John Lawrence taking Inſtructions for his Affidavit in Support thereof — — —	0 6 8	
Drawing the ſame, fo. 10 — — —	0 5 0	
Fair Copy thereof for him — — —	0 1 8	

Attending

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending him reading over and ſettling the ſame —	0 6 8	0 6 8
Engroſſing the ſame, Paper, and Duty — —	0 4 11	0 1 2
Attending him reading over the ſame, and afterwards to the Maſter's Chambers to ſwear to the ſame — —	0 6 8	0 6 8
Paid Oath — — — — —	0 1 0	
Warrant on leaving State of Facts and Propoſal, and Affidavit, three Copies, and Service — — —	0 5 0	
Warrant to proceed thereon, Copies, and Service —	0 5 0	
Attending thereon, when the ſame was allowed —	0 6 8	
* Drawing Notice of Motion, that the Maſter might be at Liberty to make a ſeparate Report of the Perſonal Eſtate, and Maintenance, three Copies, and Service — —	0 6 0	
Drawing and engroſſing Affidavit of the Service thereof Duty, and Oath — — — —	0 6 1	
Paid filing ſame, and for Office Copy — —	0 6 1	
Drawing Brief for Counſel to move, three Brief Sheets —	1 0 0	
Fair Copy thereof for Counſel — — —	0 7 6	
Copy, Notice annexed — — — —	0 1 0	0 0 6
Fee to Mr. Selwyn to move, and Clerk — —	2 4 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Attending Court on Motion, when Order made —	0 6 8	
Paid for Order — — — — —	0 17 0	
Attending the Regiſter examining and paſſing the ſame —	0 6 8	0 6 8
Paid entering the Order — — — —	0 3 6	
Making Copy of the Order for the Maſter — —	0 5 0	0 5 0

* Wherever the Situation of Infants for whom a Maintenance is ordered by the Decree requires an early Allowance of ſuch Maintenance, the Solicitor ſhould take Care to have a Direction in the Decree that the Maſter ſhall be at Liberty to make a ſeparate Report thereof, otherwiſe it cannot be done without a diſtinct Order being had for that Purpoſe.

Paid

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid him for a Copy Draught of Report, fo. 90 —	2 5 0	
Making a Copy thereof — — — —	0 15 0	
Peruſing and conſidering the ſame, and making many Alterations and Corrections therein — — —	1 1 0	0 7 8
Attending Mr. John Lawrence, conferring and adviſing thereon — — — — —	0 6 8	0 6 8
Warrant on Report being prepared, three Copies, and Service — — — — —	0 5 0	
Three Warrants to ſettle ſame, Copies, and Service —	0 15 0	
Attending thereon, when the Report was ſettled — —	1 0 0	
Paid for Warrant to ſign Report, three Copies, and Service –	0 5 0	
Attending the Maſter's Clerk examining the Tranſcript with the Draught Report as ſettled — — —	0 6 8	
Paid for Report tranſcribing, &c. — — —	2 10 6	
Paid filing ſame, and for Office Copy — — —	1 7 4	
Drawing Charge againſt the Defendant Johnſon for Rents and Profits of the Teſtator's Eſtates received by him, fo. 12 —	0 6 0	
Warrant on leaving ſame, three Copies, and Service —	0 5 0	
Warrant to proceed thereon, three Copies, and Service —	0 5 0	
Attending thereon, when the Charge was allowed —	0 6 8	
Paid for a Copy of the ſaid Defendant's Diſcharge, on Account of the Rents and Profits, fo. 8 — —	0 4 0	
Cloſe Copy thereof — — — —	0 1 4	
Attending a Warrant thereon, when the ſame was allowed —	0 6 8	
Peruſing the Papers, and taking Inſtructions to draw Interrogatories for the Examination of Witneſſes to prove the Rental and Value of ſome Parts of the Eſtate, and a contingent Intereſt in a Sum of Money charged thereon —	0 6 8	

Attending

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Attending Mr. John Lawrence conferring and adviſing thereon, and as to the ſtating a Caſe for the Opinion of Mr. Morgan, the Actuary of the Equitable Society, on the Value of the contingent Intereſt, previous to drawing the Interrogatories — — — —	0 6 8	0 6 8
Drawing Caſe — — — — —	0 6 8	
Fair Copy thereof for the Solicitor of the Defendants the Executors — — — — —	0 2 6	
Attending him ſettling the ſame — — —	0 6 8	
Copy thereof for Mr. Morgan's Opinion thereon —	0 2 6	
Gave him therewith — — — —	1 1 0	
Attending him with the Caſe, and afterwards for the ſame, and his Opinion, and conferring and adviſing thereon —	0 6 8	
Drawing Interrogatories for the Examination of Mr. Morgan	0 6 8	
Copy thereof for Counſel to ſettle and ſign, fo. 10 —	0 1 8	
Fee to Mr. Cox therewith, and Clerk — —	1 3 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Engroſſing ſame — — — —	0 3 4	
Paid for Parchment and Duty — — —	0 3 6	
Attending Mr. Morgan to fix a Time for his being examined, attending the Maſter's Clerk thereon, and afterwards attending Mr. Morgan to the Maſter's Chambers — —	0 6 8	
Paid Mr. Morgan for his Trouble in attending to be examined	1 1 0	
Paid for Maſter's Certificate that a Commiſſion was neceſſary for the Examination of Witneſſes in Wiltſhire, to prove the Rental and Value of the Eſtates, tranſcribing, &c. —	1 7 6	
Paid filing ſame, and for Office Copy — —	0 4 10	
Inſtructions for Counſel to move, on the Maſter's Certificate,		

	CHARGE. £. s. d.	TAX OFF. £. s. d.
for a Commiſſion to Examine Witneſſes in Wiltſhire, and that the Defendant's Clerk in Court might name Commiſſioners within four Days — — —	0 2 6	
To Mr. Cox, to move — — — —	0 10 6	
* Attending him and Court on Motion — —	0 6 8	
Paid for Order, entering, three Copies, and Service —	0 11 0	
Attending at ſeveral Places to procure the Names of Commiſſioners, and attending the Clerk in Court with their Names and Deſcriptions — — —	0 6 8	0 6 8
Paid for Commiſſion — — — —	0 16 4	
Taking Inſtructions for Interrogatories — —	0 6 8	
Drawing ſame, fo. 18 — — — —	0 9 0	
Fair Copy thereof for Mr. Cox to ſettle and ſign —	0 3 0	
Fee to him and Clerk for that Purpoſe —	1 3 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Engroſſing Interrogatories — — — —	0 6 0	
Paid for Parchment, and Duty — — —	0 3 6	
Writing to Mr. of giving him very long Inſtructions for the Execution of the Commiſſion, and Copy Letter — — — — —	0 10 0	
Taking Inſtructions for Petition to confirm the Maſter's Report of the Perſonal Eſtate, and Maintenance to be allowed for the Infant Plaintiffs — — — —	0 6 8	0 6 8
Drawing Petition, fo. 86 — — — —	2 3 0	
Engroſſing ſame to preſent — — —	0 14 4	
Paid for Paper and Duty, two Sheets — —	0 4 6	
Copy of the Petition for the Maſter of the Rolls —	0 17 4	

* This Charge is allowed, the Solicitor being ſuppoſed to attend with the Certificate.

Paid

	CHARGE £. s. d.	TAX OFF. £. s. d.
Paid anſwering and ſetting down Petition — —	0 6 6	
Attending to preſent the ſame, and afterwards to procure the ſame anſwered — — — —	0 6 8	0 6 8
Making three Copies of the Petition and Order, to ſerve —	2 12 0	
Service thereof on three Clerks in Court — —	0 6 0	0 3 0
Drawing and engroſſing Affidavit of the Service thereof, Duty, and Oath — — — — —	0 6 7	
Paid filing ſame, and for Office Copy — —	0 5 7	
Making Copy of the Petition for Counſel, eight Brief Sheets and a Half — — — — —	1 1 3	
Fee to Mr. Cox therewith, and Clerk — —	2 4 6	0 2 6
Attending him — — — — —	0 6 8	
July 31ſt. Attending Court, Petition in the Paper but not called on — — — — —	0 6 8	
Auguſt 1ſt. Attending Court, Petition heard and Order made	0 13 4	0 6 8
Paid Court Fees, and Officers — — —	0 7 0	
Paid for Order — — — — —	1 15 0	
Peruſing the ſame and attending the Regiſter paſſing —	0 6 8	
Paid entering the ſame — — — —	0 9 0	
Attending the Accountant General with the Order to direct the Sums ſtanding in his Name to be carried to the Accounts, purſuant to the Order — — — —	0 6 8	
Paid for Certificate thereof, and Office Copy — —	0 5 2	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 8 0	0 4 0

MICHAELMAS TERM following.

Attending the Bearer of the Commiſſion from the Country on its being returned executed, to procure him ſworn —	0 6 8	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid his Oath — — — — —	0 1 0	
Paid him bringing up the Commiſſion — —	0 5 0	
Paid Mr. of his Bill executing the Commiſſion, &c. — — — — —	12 8 9	
Paid Clerk in Court for an office Copy of the Depoſitions of Witneſſes taken under the Commiſſion, fo. 66 —	3 0 6	
Abbreviating the ſame — — — —	0 11 0	
Peruſing and conſidering the ſame, and making Minutes thereon — — — — —	0 13 4	0 6 8
Attending Mr. John Lawrence, conferring and adviſing with him thereon — — — — —	0 6 8	0 6 8
Paid the Maſter's Clerk his Bill for the Examination of Mr. Morgan, and for Office Copy of his Depoſition, fo. 8 —	1 8 4	
Abbreviating the Depoſitions — — —	0 1 4	
Drawing State of Facts reſpecting the Teſtator's Freehold, Copyhold, and Leaſehold Eſtates of which he died ſeiſed and poſſeſſed, fo. 16 — — — —	0 8 0	
Warrant on leaving ſame, three Copies, and Service —	0 5 0	
Warrant to proceed thereon, three Copies, and Service —	0 5 0	
Attending thereon, when the ſame was allowed — —	0 6 8	
Drawing Particular of the Eſtates to be ſold purſuant to the Decree, fo. 15 — — — —	0 7 6	
Warrant on leaving ſame, three Copies, and Service —	0 5 0	
Warrant to ſettle the ſame, three Copies, and Service —	0 5 0	
Attending thereon, when the ſame was ſettled — —	0 6 8	
Paid for Advertiſement for Sale of the Eſtates — —	0 10 6	
Attending the Maſter for the ſame, and on the Printer of the Gazette therewith — — — —	0 6 8	

Paid

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid inſerting the ſame in the Gazette — — —	0 13 0	
Paid for the Gazette — — — —	0 1 2	
Making two Copies of the Advertiſement — —	0 2 0	
Paid inſerting the ſame in the Daily Advertiſer and the Morning Herald — — — — —	0 7 0	
Attending the Printers therewith — — —	0 6 8	
Warrant to fix a Time for the Sale of the Eſtates, Copies and Service — — — — —	0 5 0	
Attending Mr. John Lawrence, conferring and adviſing on the Particular as ſettled, and on a Time moſt proper for the Sale — — — — —	0 6 8	
Attending the Warrant, when the 26th of January, at Six, was appointed — — — —	0 6 8	
Paid the Maſter for a peremptory Advertiſement for the Sale	0 10 6	
Attending him for the ſame, and afterwards on the Printer of the Gazette therewith — — — —	0 6 8	
Paid inſerting the ſame — — — —	0 13 0	
Making three Copies of the Advertiſement — —	0 3 0	
Paid inſerting Advertiſement in the Daily Advertiſer and the Morning Herald, ſix Times each — — —	2 2 0	
Attending the Printers therewith — — —	0 6 8	
Writing to Mr. of inſtructing him to procure the Adveriſement inſerted in the Country Papers —	0 3 6	0 3 6
Paid him his Bill thereon, as per Receipt — —	3 3 0	
Making a Copy of the Particular of the Eſtates for the Printer — — — — —	0 2 6	
Attending him therewith, giving him Directions —	0 6 8	0 6 8
Attending him afterwards, ſettling and correcting the Proof Sheet — — — — —	0 13 4	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid the Printer his Bill, as per Receipt — —	1 5 0	
Paid the Maſter's Clerk Compoſition for the Particulars —	4 10 0	
Drawing State of Facts reſpecting the Rentals and Values of the Eſtates, directed by the Decree to have that Inquiry made of them, and alſo of the Value of the contingent Intereſt in the Sum charged thereon, fo. 24 — —	0 12 0	
Warrrant on leaving ſame, three Copies, and Service —	0 5 0	
Warrant to proceed thereon, three Copies, and Service —	0 5 0	
November 12th. Attending thereon, but the other Solicitors did not attend — — — —	0 6 8	
Another Warrant to proceed thereon, Copies, and Service	0 5 0	
——— 14th. Attending thereon, and proceeded —	0 6 8	
Another Warrant to procced thereon, Copies, and Service -	0 5 0	
——— 16th. Attending thereon, when the Maſter allowed the State of Facts — — — —	0 6 8	
Warrant for the Defendants to bring in their Coſts up to the Hearing, three Copies, and Service — —	0 5 0	
Drawing the Plaintiff's Bill of Coſts up to the Hearing, fo. 68	1 14 0	
Warrant on leaving ſame, three Copies, and Service —	0 5 0	
Three Warrants to tax, Copies, and Service — —	0 15 0	
Attending taxing, Clerk in Court, and Solicitor —	2 0 0	
Paid for a Copy of the Defendants the Executors, and ſeveral others their Coſts, fo. 52 — — —	1 6 0	
Attending three Warrants taxing the ſame, Clerk, and Solicitor — — — — —	2 0 0	
Paid for Copy Bill of Coſts of Defendants, the Aſſignees of William Lawrence, fo. 16 — — —	0 8 0	
Attending Warrant to tax the ſame, Clerk, and Solicitor —	0 13 4	
Paid for a Copy Bill of Coſts of the Defendant Charles Williams, fo. 40 — — — —	1 0 0	

Attending

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending two Warrants taxing the ſame, Clerk, and Solicitor	1 6 8	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 6 0	0 2 0

HILARY TERM, 1788.

* January 26th. Attending the Sale of the Eſtates at the Maſter's Chambers the whole Afternoon — —	1 0 0	0 6 8
Drawing further Charge againſt the Defendant Johnſon, for Rents and Profits received by him, fo. 6 — —	0 3 0	
Warrant on leaving ſame, three Copies, and Service —	0 5 0	
Warrant to proceed, three Copies, and Service —	0 5 0	
Attending thereon, when the Charge was allowed —	0 6 8	
Paid for a Copy of the ſaid Defendant's further Diſcharge in reſpect of the Rents and Profits, fo. 4 — —	0 2 0	
Copy thereof — — — — —	0 0 8	
Attending thereon, when the ſame was allowed —	0 6 8	
Paid for a Copy of the Maſter's general Report, fo. 150 —	3 15 0	
Making Copy thereof — — — —	1 5 0	
Warrant on preparing the ſame, three Copies, and Service	0 5 0	
Peruſing and conſidering the Report, and making many Alterations and Corrections therein — —	2 2 0	2 2 0
The Purchaſer of Lots 1 and 2 at the Sale of the Eſtates having given a Notice of Motion that he might, on paying the Purchaſe Money into Court, be let into Poſſeſſion of the Eſtates, and into Receipt of the Rents from Chriſtmas laſt; drawing Brief for Counſel to appear on the Motion		

* Several of the Maſters require that Warrants ſhould be taken out to authoriſe this Charge; in which caſe the Warrants, Copies, and Services, are charged, and *6s. 8d.* attendance on each Warrant.

and

	CHARGE £. s. d.	TAX OFF. £. s. d.
and Conſent thereto, and to pray that when the Money was paid in, it might be laid out, and carried to the Account directed by the Decree — — — —	0 6 8	
Fair Copy thereof for Counſel — — —	0 2 6	
Making Copy of the Notice of Motion annexed —	0 1 0	0 1 0
Fee to Mr. Cox therewith — — —	1 1 0	
Attending him — — — —	0 6 8	0 6 8
Attending Court on Motion when the Order was made as prayed — — — — —	0 6 8	
Attending at the Accountant General's Office to ſearch if the Money was paid in, and to requeſt the ſame might be laid out purſuant to the Decree and Order — —	0 6 8	
Drawing Requeſt for that Purpoſe, and Copy — —	0 2 6	
Paid for Certificate of Inveſtment — — —	0 4 2	
The like of the Stock purchaſed being transferred to its proper Account — — — — —	0 4 2	
Ten Warrants to ſettle the Maſter's general Report, Copies, and Service — — — — —	2 10 0	
Attending thereon — — — —	3 6 8	
Warrant to ſign the Report, three Copies, and Service —	0 5 0	
Attending the Maſter's Clerk, examining the Tranſcript of the Report with him previous to its being ſigned —	0 6 8	
Paid for Report tranſcribing, &c. &c. — —	4 16 0	
Paid filing ſame, and for Office Copy — —	5 12 10	
Inſtructions for Counſel to move to confirm Report niſi, and (the Defendants being many in Number) that Service of the Order niſi on their Clerks in Court might be deemed good Service — — — — —	0 2 6	
To Mr. Cox, to move — — — —	0 10 6	

Attending

	CHARGE £. s. d.	TAX OFF. £. s. d.
Attending him, and Court — — —	0 6 8	
Paid for Order, Entry, three Copies, and Service —	0 13 6	
Drawing and engroſſing Affidavit of the Service thereof, Duty, and Oath — — — —	0 6 7	
Paid filing ſame, and for Office Copy — —	0 5 7	
Paid for Certificate of no Cauſe ſhewn — —	0 1 6	
Inſtructions for Counſel to move to confirm Report abſolute	0 2 6	
To Mr. Cox, to move — — — —	0 10 6	
Attending him, and Court — — —	0 6 8	
Paid for Order, Entry, three Copies, and Service —	0 13 6	
Drawing Petition to ſet the Cauſe down before the Maſter of the Rolls for further Directions, and ſubſequent Coſts, engroſſing, and Duty — — — —	0 6 6	
Paid anſwering ſame — — — —	0 12 6	
Making Copy of the Decree for the Maſter of the Rolls, fifty Sides (at 4*d.* each) — — — —	0 16 8	
The like of Report, eighty-ſix ſides (at 3*d.* each) —	1 1 6	
Attending to leave the ſame — — —	0 6 8	
Paid on leaving — — — — —	0 5 0	
Paid ſetting down Cauſe for further Directions, and on ſubſequent Coſts — — — — —	0 2 0	
Paid for Order for that Purpoſe, and Entry, three Copies, and Service — — — — —	0 10 0	
Drawing and engroſſing Affidavit of the Service thereof, Duty, and Oath — — — —	0 6 7	
Paid filing ſame, and for Office Copy thereof — —	0 5 7	
Drawing Brief for Counſel, eight Sheets — —	2 13 4	
Making two fair Copies thereof for Counſel — —	2 0 0	
To Mr. Selwyn and Clerk with Brief — —	6 8 6	

Attending

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending him — — — — —	0 6 8	
To Mr. Cox and Clerk with Brief — — —	4 6 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Drawing out Directions to be prayed, and two Copies for Counſel — — — — —	0 10 0	
Making two Copies of the Accountant General's Certificate of the Monies in the different Accounts in his Name, for Counſel — — — — —	0 2 0	
February 24th. Attending Court, Cauſe in the Paper, but not called on — — — — —	0 13 4	0 6 8
——— 25th. The like Cauſe heard, and Order made for the Defendants, the Executors and Deviſees in Truſt, to pay in their Balances, and for Payment of the Creditors, with ſubſequent Intereſt, and referring it to the Maſter to compute ſubſequent Intereſt on the Defendant Clarke's Mortgage, who, on executing a Conveyance of the Mortgaged Eſtates, with the Approbation of the Maſter, was to be paid his Principal and Intereſt by Sale of a ſufficient Part of the Stock in the Cauſe, &c. A Receiver to be appointed of the Eſtates remaining unſold, and various other Directions made — — — —	0 13 4	0 6 8
Paid Clerk in Court for his Attendance — —	0 6 8	
Paid Court Fees and Officers — — —	0 13 0	
Paid Coach Hire with Papers — — —	0 4 0	0 4 0
Paid for Copy Minutes — — — —	0 15 0	
Peruſing and attending the Regiſter, ſettling the ſame —	0 6 8	
Paid for Order — — — — —	8 12 6	
Peruſing and examining the ſame with the Papers, and making many Corrections therein — — —	0 13 4	0 13 4
Attending the Regiſter, and the Defendant's Solicitors, examining and paſſing the Order — — —	0 6 8	

Paid

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid entering the ſame — — — —	1 12 0	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 4 0	0 1 0

EASTER TERM, 1788.

Attending the Regiſter for his Certificate to ſell Stock for Payment of the taxed Coſts up to the Hearing, and afterwards attending the Accountant General to beſpeak the Sale —	0 6 8	
Paid for Certificate of Sale, and filing ſame — —	0 5 4	
Attending at the Accountant General's to receive Plaintiff's Coſts — — — — —	0 6 8	0 6 8
Paid filing the Certificate of Payment thereof — —	0 3 6	
Copy of the Order for the Maſter — — —	0 5 0	0 2 6
Paid for a Copy of John Stephens's Claim for ſubſequent Intereſt on his Bond, Part of his Debt proved in the Cauſe, fo. 3. — — — — —	0 1 6	
Copy thereof — — — — —	0 0 6	
Attending Warrant thereon when the ſame was allowed —	0 6 8	
A ſeparate Report being made of the ſubſequent Intereſt allowed, attending the Regiſter with the Order made on further Directions for his Certificate to the Accountant General to ſell a ſufficient Part of the Fund for the Payment of the Debts purſuant to the ſaid Order, and afterwards attending the Accountant General to beſpeak the Sale —	0 6 8	0 6 8
Paid for a Certificate of Sale thereof — —	0 3 10	
Attending the Defendant Clarke for his Mortgage Deeds and Papers, in Order to prepare the Conveyance, purſuant to the Decree — — — — —	0 6 8	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Peruſing ſame, as Inſtructions to draw the Conveyance —	0 13 4	0 6 8
Drawing the Releaſe, ſix Skins, and fair Copy —	6 0 0	
Copy thereof to lay before Counſel, by the Maſter's Direction, for his Peruſal and Settlement, on Behalf of all Parties –	1 10 0	1 10 0
To Mr. Holliday, and Clerk, therewith — —	4 6 6	
Attending him — — — — — —	0 6 8	
Drawing Aſſignment of an outſtanding Term from the Mortgagee's Truſtee, three Skins — — —	3 0 0	
Fair Copy thereof for Mr. Holliday's Peruſal — —	0 15 0	0 15 0
Fee to him therewith, and Clerk — — —	2 4 6	
Attending him — — — — —	0 6 8	
Drawing Leaſe for a Year to the Conveyance in Fee, one Skin — — — — —	1 0 0	
Copy thereof for the Maſter — — —	0 5 0	0 5 0
Warrant on leaving the Draughts, Copy, and Service —	0 3 0	
Warrant to ſettle the Leaſe for a Year, Copy, and Service –	0 3 0	
Attending thereon when the ſame was ſettled — —	0 6 8	
Two Warrants to ſettle the Releaſe, Copies, and Service –	0 6 0	
Attending thereon when the ſame was ſettled — —	0 13 4	
Two Warrants to ſettle the Aſſignment of the Term, Copies, and Service — — — — —	0 6 0	
Attending thereon when the ſame was ſettled — —	0 13 4	
Attending examining the Engroſſment of the Deeds with the Maſter's Clerk, upwards of four Hours — —	1 1 0	
Paid the Maſter's Clerk thereon — — —	1 1 0	
Paid for a Copy of the Mortgagee's Charge of ſubſequent Intereſt, ſo. 3 — — — —	0 1 6	
Cloſe Copy thereof — — — —	0 0 6	

Attending

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending a Warrant thereon, when the ſame was allowed —	0 6 8	
Paid for Report thereof, and of the Allowance of the Deeds	1 7 6	
Paid filing the ſame, and for Office Copy — —	0 5 10	
Paid the Maſter's Clerk for engroſſing the Deeds, Parchment, Duty, &c. — — — — —	9 5 0	
Attending the Defendant, the Mortgagee, reading over, and executing all the Deeds — — — —	1 0 0	
Drawing and engroſſing Affidavit thereof, Duty, and Oath, -	0 6 1	
Paid filing ſame, and for Office Copy — —	0 8 6	
Attending the Regiſter with the Deeds, Affidavit, and Report, for his Certificate to the Accountant General, to ſell ſufficient of the Stock to pay the Defendant, the Mortgagee —	0 6 8	
The like Attendance therewith on the Accountant General —	0 6 8	0 6 8
Paid for Certificate of Sale — — — —	0 3 10	
Paid filing Certificate of Payment of the Principal Money	0 3 6	
The like of the Intereſt — — — —	0 3 6	
The Defendants, the Executors, not having paid in their Balances, drawing Notice of Motion that they might be directed to pay into Court their Balances in a Fortnight, Copy, and Service — — — —	0 3 0	
Drawing and engroſſing Affidavit of the Service thereof, Duty, and Oath — — — —	0 6 7	
Paid filing ſame, and for Office Copy — —	0 5 7	
Drawing Brief for Counſel to move, two Sheets —	0 13 4	
Fair Copy for Counſel — — — —	0 5 0	
Copy Notice annexed — — — —	0 1 0	0 0 6
To Mr. Selwyn, to move — — —	1 1 0	
Attending him — — — —	0 6 8	0 6 8

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending at the Accountant General's, for a Certificate of the Money not being paid — — — —	0 6 8	0 6 8
Attending Court on Motion, when the Order was made to pay the Money in three Weeks — — —	0 6 8	
Paid for the Order — — — —	1 12 6	
Attending the Regiſter, examining and paſſing the ſame —	0 6 8	
Paid entering — — — — —	0 7 0	
Copy and Service — — — —	0 3 0	
* Paid Clerk in Court for a Writ of Execution of the Order	2 13 4	
Making two Copies thereof — — —	0 10 0	
Perſonal Service on the two Defendants — —	0 10 0	
Attending at the Accountant General's Office, to enquire whether the Executors had paid in their Money, when it appeared they had not; and attending afterwards for a Certificate of that Fact — — —	0 6 8	0 6 8
Drawing Affidavit of the Service of the Writ of Execution, engroſſing, Duty, and Oath — — —	0 6 1	
Paid filing ſame — — — —	0 4 0	
Paid for Attachment againſt the ſaid Defendants —	0 8 2	
Warrant thereon, and Meſſenger — — —	0 3 6	
Attending the Sheriff's Officer, inſtructing him —	0 6 8	0 6 8
The Defendants having at length paid in their Balances, drawing Requeſt to lay out the Money which was principal to be carried to that Account — — —	0 2 6	
Attending the Accountant General therewith, and to beſpeak the Purchaſe — — — —	0 6 8	
Paid for a Certificate of paying out the Money —	0 3 4	
The like of Purchaſe of Bank Annuities therewith —	0 4 10	

* Theſe Coſts when the Defendants are brought into Contempt as they were in this Caſe by the iſſuing the Attachment, the Court will make the Defendants pay.

Drawing

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Drawing Requeſt to lay out the Money which was Intereſt to that Account — — — —	0 2 6	
Attending the Accountant General therewith, and to beſpeak the Purchaſe — — — —	0 6 8	0 6 8
Paid for Certificate of paying out the Money — —	0 3 4	
The like of Inveſtment — — — —	0 4 10	
Drawing Requeſt to lay out the Money ariſing from Rents and Profits of the Teſtator's Eſtate to that Account —	0 2 6	
Attending the Accountant General therewith, and to beſpeak the Purchaſe — — — —	0 6 8	0 6 8
Paid for the Certificate of paying out the ſame — —	0 3 4	
The like of Inveſtment — — — —	0 4 10	
Attending the Sheriff's Officer, to requeſt the Defendants might not be arreſted — — — —	0 6 8	0 6 8
Paid him for his Trouble in enquiring after them ſeveral Times — — — — —	0 10 6	
Drawing Bill of Coſts againſt the Defendants, the Executors, for their Contempt, ſo. 4 — — —	0 2 0	
Attending taxing the ſame with the Clerk in Court —	0 6 8	
Paid Clerk in Court thereon — — —	0 6 8	
Attending afterwards, ſettling and receiving the taxed Coſts	0 6 8	0 6 8
The Purchaſer of the remaining Lots at the Sale having applied for Liberty to pay in his Purchaſe Money, and that he might be let into Poſſeſſion of the Eſtates purchaſed by him, drawing Brief for Counſel thereon — —	0 6 8	
Fair Copy thereof, for him — — —	0 2 6	0 2 6
Fee to Mr. Cox therewith — — — —	0 10 6	
Attending him — — — —	0 6 8	0 6 8

Attending

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending Court when Order made, and directing the Money to be laid out — — — —	0 6 8	
On the Money being paid into Court, writing Requeſt to lay out the ſame — — — — —	0 2 6	
Attending the Accountant General therewith, and to beſpeak Purchaſe — — — — —	0 6 8	
Paid for Certificate of paying out the ſame — —	0 3 4	
The like of Inveſtment — — — —	0 4 10	
Attending Mr. John Lawrence, adviſing on a proper Perſon to be appointed Receiver of the remaining Eſtates —	0 6 8	
Drawing Propoſal of a Receiver, fo. 4 — —	0 2 0	
Copy thereof, for the Maſter — — —	0 0 8	0 0 8
Warrant on leaving ſame, three Copies, and Service —	0 5 0	
Warrant to proceed thereon, three Copies, and Service —	0 5 0	
Attending thereon, when the Defendants' Solicitor attended, and oppoſed the ſame, and left a Propoſal of a different Perſon for a Receiver — — — —	0 6 8	
Paid for a Copy thereof, fo. 5 — — —	0 2 6	
Copy thereof ſent to Mr. Lawrence — — —	0 0 10	
Attending him afterwards, conferring and adviſing on the Defendants' Propoſal; when it was determined to ſupport our own Receiver — — — —	0 6 8	0 6 8
Warrant to proceed on the Plaintiff's Propoſal of a Receiver, three Copies, and Service — — —	0 5 0	
The like on the Defendants' Propoſal, three Copies, and Service — — — — —	0 5 0	
Attending both Warrants, when the Maſter allowed our Propoſal, and rejected the Defendants' — —	0 13 4	
Paid for Copy of Draught Recognizance, fo. 16 —	0 8 0	

Paid

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Attending to ſettle the ſame — — —	0 6 8	
Paid for Copy Report approving Receiver and Recognizance	0 4 0	
The like of Report appointing Receiver — —	0 4 6	
Attending ſettling the ſame — — —	0 6 8	
Drawing Bill of Coſts, ſubſequent to the Hearing, fo. 106	2 13 0	
Warrant on leaving ſame, Copies, and Service —	0 5 0	
Four Warrants to tax ſame, Copies, and Service —	1 0 0	
Attending thereon, Clerk, and Solicitor — —	2 13 4	
Paid for a Copy of the Coſts of the Defendants the Executors, and others, fo. 68 — — — —	1 14 0	
Attending two Warrants taxing ſame, Clerk, and Solicitor	1 6 8	
Paid for a Copy Bill of Coſts of the Defendants the Aſſignees of William Lawrence, fo. 40 — — —	1 0 0	
Attending two Warrants taxing the ſame, Clerk, and Solicitor	1 6 8	
Paid for a Copy Bill of Coſts of the Defendant Charles Williams, fo. 30 — — — —	0 15 0	
Attending taxing the ſame, Clerk, and Solicitor —	0 13 4	
Paid for a Report thereof, and Clerk — — —	1 15 6	
Paid filing ſame, and for Office Copy — —	0 5 10	
Attending the Regiſter for his Certificate, and afterwards on the Accountant General, to procure a Sale of a ſufficient Part of the Fund to pay the Coſts — — —	0 6 8	
Paid for Certificate of Sale, and for Office Copy —	0 2 10	
Attending to receive the Coſts, and to file Certificate thereof	0 6 8	0 6 8
Paid filing Certificate of having received the ſame —	0 3 6	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 5 0	0 2 0

Bill

Bill of Coſts of *A. L.* the Receiver appointed in this Cauſe, for Recognizance, &c.; and on paſſing his Account, to Michaelmas 1788.

EASTER TERM, 1788.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid drawing Recognizance — — —	0 5 0	
Paid for a Copy of the Draught Recognizance — —	0 8 0	
Paid for Parchment and Duty — — —	0 11 0	
Paid for Maſter's Allowance to Recognizance — —	0 2 6	
Paid for Copy Draught Report, approving of Propoſal and Recognizance, fo. 8 — — — —	0 4 0	
Warrant on preparing ſame, three Copies, and Service —	0 5 0	
The like to ſettle, three Copies, and Service — —	0 5 0	
Attending ſettling — — — —	0 6 8	
Paid for Report and tranſcribing — — —	1 7 6	
Paid filing ſame — — — —	0 7 4	
Drawing and engroſſing Affidavit of Sureties, and Duty —	0 5 7	
Paid for two Oaths before a Maſter Extraordinary in the Country — — — — —	0 4 0	
Warrant to enter into Recognizance, three Copies and Service — — — — —	0 5 0	
Paid two Conuzors — — — —	0 4 0	
Paid a Maſter Extraordinary in the Country, taking Recognizance of Receiver and his Sureties — —	0 10 0	

Paid

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid inrolling Recognizance, and Receipt — —	0 10 0	
Paid for an Attendance to inroll it — — —	0 6 8	
Paid for Copy Draught Report, appointing Receiver, fo. 9 -	0 4 6	
Warrant on ſame being prepared, three Copies, and Service	0 5 0	
The like to ſettle — — — —	0 5 0	
Attending thereon — — — —	0 6 8	
Paid for Report tranſcribing, &c. — — —	1 7 6	
Paid filing Report — — — —	0 8 4	
Poſtage of Letters, and Meſſengers — — —	0 5 0	

HILARY TERM, 1789.

Drawing Receiver's Account, and Copy for the Maſter, fo. 70 — — — — —	1 15 0	
Warrant on leaving the ſame, three Copies, and Service —	0 5 0	
Two Warrants to proceed thereon, three Copies, and Service	0 10 0	
Attending thereon — — — —	0 13 4	
Paid entering the Account in the Maſter's Book —	1 15 0	
Entering the ſame in a Book for the Receiver — —	0 11 8	
Paid for two Books to enter Accounts in — —	0 4 0	
Drawing and engroſſing Affidavit, verifying the Account, and Duty — — — — —	0 6 2	
Paid Oath before a Maſter Extraordinary in the Country	0 2 0	
Paid for Maſter's Allowance of the Account — —	0 5 0	
Drawing this Bill of Coſts, and Copy, fo. 7 — —	0 3 6	
Warrant on leaving the ſame, three Copies, and Service	0 5 0	
Warrant to tax, three Copies, and Service — —	0 5 0	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending Taxation — — — —	0 6 8	
Paid for Copy Draught Report, fo. 14 — —	0 7 0	
Warrant on the ſame being prepared, three Copies, and Service — — — — —	0 5 0	
Warrant to ſettle ſame, three Copies, and Service —	0 5 0	
Attending thereon — — — —	0 6 8	
Paid for Report tranſcribing, &c. — — —	1 7 6	
Paid filing, and for Office Copy — — —	0 12 4	
Poſtage of Letters, and Meſſengers — — —	0 4 0	

N. B. The Receiver will be allowed any extra Expence which he has been put to in aſcertaining the Propriety of Allowances to be made to the Tenants, and for any Journies neceſſarily had on that Account.

The Receiver's Bill of Coſts on paſſing his laſt Account, and for vacating his Recognizance.

N. B. So much of the Bill as reſpects the paſſing the Account will be the ſame as above, with ſuch Alterations as the Variation of Circumſtances may require: That Part of it reſpecting the vacating of the Recognizance will be as follows.

	£. s. d.
Drawing Petition to vacate the Recognizance, fo. 18 —	0 9 0
Engroſſing ſame, and paid for Paper and Duty — —	0 4 7
Paid anſwering at the Rolls — — —	0 6 6
Making three Copies of the Petition as anſwered, to ſerve	0 9 0

Service

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Service thereof on three Clerks in Court — —	0 3 0	
Drawing and engroſſing Affidavit of Service, Duty, and Oath	0 7 1	
Paid filing the ſame, and for Office Copy — —	0 6 10	
Attending ſearching for the Inrollment of the Recognizance	0 6 8	
Paid for an Office Copy thereof — — —	0 8 0	
Drawing Brief for Counſel on Hearing — —	0 6 8	
Fair Copy thereof — — — —	0 2 6	
Fee to Mr. Simeon therewith, and his Clerk — —	1 3 6	
Attending him — — — — —	0 6 8	
Attending Court on the Hearing — — —	0 6 8	
Paid Court Fees, and Officers — — —	0 7 0	0 1 0
Paid Clerk, attending with the Inrollment — —	1 0 0	
Paid for Order, and entering the ſame — —	1 3 6	
Attending the Regiſter, examining and paſſing the ſame —	0 6 8	0 6 8
Paid Clerk of the Inrollment, vacating the Recognizance	0 5 0	
Attending thereon — — — —	0 6 8	
Term Fee — — — — —	0 6 8	0 6 8
Poſtage of Letters, and Meſſengers — — —	0 5 0	

BILL of COSTS on a Petition by a Party entitled to Part of the Funds in the Cauſe, on his attaining his Age of Twenty-one Years.

MICHAELMAS TERM, 1789.

	£.	s.	d.
Peruſing Papers, and taking Inſtructions for Petition — —	0	6	8
Drawing ſame, fo. 65 — — — — —	1	12	6
Engroſſing ſame, to preſent, Paper, and Duty, two Stamps —	0	14	6
Paid anſwering the ſame at the Rolls — — — —	0	6	6
Making Copy of the Petition for the Maſter of the Rolls — —	0	10	10
Attending to leave Petition, and afterwards to procure the ſame away anſwered — — — — — —	0	6	8
Making two Copies thereof, to ſerve — — — —	1	1	8
Service thereof on two Clerks in Court — — —	0	2	0
Drawing and engroſſing Affidavit of the Service thereof, Duty, and Oath	0	6	7
Paid filing ſame, and for Office Copy — — —	0	5	7
Attending at the Pariſh of ſearching for the Regiſter of the Baptiſm, and paid for Extract — — — —	0	7	8
Drawing and engroſſing Affidavit, verifying the Extract in Support of the Petition, and Oath — — — — —	0	6	7
Paid filing ſame, and for Office Copy — — —	0	5	7
Making Copy of the Petition for Counſel, ſix Sheets — —	0	15	0
Making Copy of the Accountant General's Certificate of the Funds annexed to Brief — — — — —	0	1	0
Drawing Obſervations for Counſel — — — —	0	6	8

Fair

	£.	s.	d.
Fair Copy thereof, for him — — — — —	0	2	6
Fee to Mr. Selwyn, with Brief, and Clerk — — —	2	4	6
Attending him — — — — — — —	0	6	8
Attending Court when the Petition was heard, and Order made —	0	6	8
Paid Court Fees, and Officers — — — —	0	7	0
Paid for Order — — — — — — —	3	4	0
Attending the Regiſter, examining and paſſing ſame — —	0	6	8
Paid entering — — — — — — —	0	13	0
Attending the Regiſter for his Certificate, and afterwards on the Accountant General therewith, and with the Order directing the Transfer to be made — — — — — —	0	6	8
Paid for Certificate of Transfer, and filing ſame — —	0	4	4
Attending on the Payment of the Money, and filing the Certificate thereof — — — — — — —	0	6	8
Paid filing ſame — — — — — — —	0	3	6
Term Fee, Clerk, and Solicitor — — — — —	0	10	0
Letters and Meſſengers — — — — — —	0	2	0

PRACTICAL

PRACTICAL DIRECTIONS,

AND

REMARKS,

Relating to the foregoing Bill of Coſts, and to the Proceedings in general on the Part of a Plaintiff in the Court of Chancery.

HILARY TERM, 1786.

THE firſt proceſs againſt a Defendant (not privileged by being a Peer or Peereſs of the Realm, or Biſhop,) is a Subpœna to appear to, and anſwer the Plaintiff's Bill, which is preſumed to be filed with the proper Officer of the Court: but by the preſent practice, the Subpœna is uſually procured before the Bill is filed. The Bill, however, ſhould be filed by the return of the Subpœna; otherwiſe the Defendant may give Inſtructions to his Clerk in Court to appear; and if he finds that the Bill is not filed, he may prefer Coſts for the Neglect.

To obtain the Subpœna, leave a Præcipe at the Subpœna Office, near the Bottom of Chancery-lane, to the following effect:

" In Chancery.

" Subpœna for *A B*; *C D*; and *E F*, to appear at the Suit of *G H*; return-
" able 23d January †.

" Williams, 18th January, 1786."

If there are more Plaintiffs than one, the firſt Plaintiff only is to be named in the Præcipe, as follows; " at the Suit of *G H*, and another," or " others," as the Caſe may happen to be.

† When the Defendants reſide in London, or within ten miles thereof, it may be ſometimes neceſſary, in the Vacation, to obtain the Subpœnas againſt ſuch Defendants returnable immediately; for the mode of obtaining which, ſee hereafter in Trinity Vacation; in every other caſe the Subpœna muſt be made returnable ſome day in Term.

Where

Where a Suit is inſtituted by an Infant, or Infants, they muſt ſue by a Perſon as their next Friend; in which caſe in the Precipe for the Subpœna, after naming the Plaintiffs, muſt be added "Infants by their next Friend *."

With the Præcipe for the Subpœna muſt be left a Warrant to proſecute, on a 2*s.* 6*d.* Stamp; the Duty required by the Act of 25th Geo. III. Cap. 80.

Three Defendants only can be inſerted in one Subpœna.—A Man and his Wife are conſidered but as one † Defendant within this Rule.

There is but one Label to the Subpœna where there is one or two Defendants; if there are three Defendants, an additional Label is annexed to the Writ, for which 6*d.* extra is paid. The Subpœna for one or two Defendants is 6*s.*

If more than one Defendant, the Subpœna ſhould be ſerved by delivering a Label to the Defendant (or Defendants) firſt ſerved, and perſonally ſhewing him the Writ, under Seal. The body of the Subpœna, under Seal, may then be left at the dwelling-houſe or lodging of the remaining Defendant, with ſome perſon in the family. Where there are more Defendants than one, a Copy of the Label muſt be taken, in order to enable the perſon who ſerves the Subpœna to make an Affidavit of the Service, in caſe it ſhould be neceſſary to iſſue Proceſs of Contempt for want of appearance.—Where a Man and his Wife are Defendants, Service on the Huſband is good Service on both. § Service at any period of the Return-day is good.

Be careful that there is no miſtake in your Præcipe left for the Subpœna in the Party's name (either Plaintiff or Defendant) or in the Return; any ſuch miſtake in

* And ſuch next Friend is anſwerable for the Coſts, and if he is not of Ability to pay Coſts the Court will, on Application by a Defendant, on being ſatisfied of the Fact, verified by Affidavit and hearing Parties, order that ſome other Perſon be named who is able to pay.

A Feme Covert Plaintiff, where ſhe is not joined with her Huſband, muſt ſue by her prochein Amy, or next Friend.

† Where a Man and his Wife are Defendants, the Præcipe for the Subpœna ſhould be as follows: "for *A B*, *C D*, and *E F*, and his Wife," to appear, &c.

§ The Praxis Almæ ſays, "that it is good Service on a Sunday, if the Subpœna is not returnable on that day." Vol. I. Page 3, Edit. 1704.

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the Writ vitiates it; and if the Label and Body agree not, the Party ſerved may take advantage of it. Praxis Almæ, Vol. I. Page 2. Edit. 1704.

The Bill may be drawn by the Solicitor; but, as great care and attention is generally required in the framing of a Bill, it is adviſeable for the Solicitor to lay proper inſtructions before his Counſel, who will draw and ſign a Draught of it. This ſaves a great deal of trouble; for, although the Solicitor may have an extenſive knowledge of the theory as well as the practice of his profeſſion, yet, if the Bill which he has drawn ſhould be planned improperly, the Counſel will experience equal difficulty in altering and ſettling, as in drawing the Bill from the beginning.

The Bill muſt be ſettled and ſigned by Counſel; the Fee to him for drawing or reviſing a Bill, as the practice is at preſent ſettled, depends on the length of it; and in very many caſes perhaps that mode of aſcertaining the Fee is proper; but it is certain that caſes do ſometimes occur, where the obſervance of ſuch a Rule would be a manifeſt injuſtice. Caſes may happen where a much larger Fee ought to be paid; where the brevity and pointedneſs of the Bill, ſelected from a large maſs of papers, demonſtrates the judgment of the drawer, and certainly is no proof that the labor has not been equally great as when for this conciſeneſs a looſe and deſultory ſtatement of facts is ſubſtituted, intermixed with argument and declamation.

The Defendant has Time to appear if he reſides in London, or within twenty miles thereof, and has been ſerved four days or more before the return of the Subpœna until the return day, but if ſerved on the return day, or a day or two before, then four days after the Service; if the Defendant reſides in the Country then eight days §.

If the Defendant does not appear in time then an Affidavit of the Subpœna being made (for the form of which, ſee Appendix, under title "Affidavits") and left with the Plaintiff's Clerk in Court, he will make out an Attachment, and procure it to be ſealed, directed to the proper Sheriff, inſtructions being left with him for that purpoſe.

§ But it is uſual to wait four days after the Return, in a Town Cauſe, and eight in a Country Cauſe, before any Attachment iſſues for want of an Appearance.

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The Appearance of the Defendants having been obtained, the following Rules are to be obſerved. In a * Town Cauſe, the Defendant is entitled to three Orders for time to anſwer; one of a month, another of three weeks, and another of a fortnight: In a Country Cauſe, the Defendant cannot be called upon for an anſwer † in the Term wherein his Appearance is entered; but on the commencement of the enſuing Term he may be called upon for his anſwer; and he is then entitled to three Orders for time to anſwer; one of ſix weeks, another of a month, and another of three weeks. The Plaintiff's Solicitor ſhould therefore watch carefully for the expiration of the reſpective times which the Defendant may have, either by the Rule or the Indulgence of the Court. Calling for an anſwer, means a note given by the Plaintiff's Clerk in Court (at the requeſt of the Solicitor) to the Defendant's Clerk in Court, informing him that an Attachment will immediately iſſue for want of the anſwer; to prevent the iſſuing of the Attachment the Defendant's Solicitor obtains the Orders for time to put in the anſwer allowed him by the Court. The Solicitor is allowed in his Coſts a Term Fee of 6*s*. 8*d*. for this Term; but the Clerk in Court nothing of the Term in which the Bill is filed, except the Fee of 5*s*. 4*d*. on filing the Bill, which includes his Term Fee.

EASTER TERM, 1786.

THE Defendants taking the uſual time allowed them by the grace of the Court, cannot be compelled to put in an Anſwer this Term; nothing is therefore to be done by the Plaintiff's Solicitor but to watch the Defendants, that they do not take longer time to prepare their Anſwer than allowed by the practice. A Term Fee is allowed in Coſts to the Solicitor and ‡ Clerk in Court, orders for time to anſwer having been obtained in the Term.

* Thoſe Cauſes are deemed Town Cauſes where the Defendant reſides in London, or within twenty miles thereof: where the Defendant lives more than twenty miles from London, it is denominated a Country Cauſe: where part of the Defendants reſide in town, or within twenty miles, and the other part more than twenty miles from town, the Cauſe is conſidered as a Town Cauſe, with reſpect to thoſe Defendants reſiding in town, or within twenty miles; and as a Country Cauſe with reſpect to the other Defendants.

† Where the Defendant reſides more than twenty miles from town, he has until the firſt day of the next Term to ſue out a Commiſſion to take his Anſwer.

‡ The Clerk in Court is allowed in Coſts a Term Fee of 3*s*. 4*d*. every Term in which Proceedings are had; the Solicitor 6*s*. 8*d*.

TRINITY TERM, 1786.

THE Anſwers being filed, the Clerk in Court furniſhes the Solicitor with Office Copies thereof; theſe ſhould be carefully peruſed and conſidered, to ſee whether the Bill be fully anſwered †. If the Bill is filed by Infants, to have the Truſts in a Will carried into Execution, the Anſwer of the Executors will ſhew the ſtate of the Teſtator's property; and, if a conſiderable ſum of money in the Funds conſtitutes a part, it may be proper, for the greater ſecurity of all parties intereſted, to have the ſtock transferred to the Accountant General; the ſame may be obſerved of any large ſum of money in their hands, it ſhould be paid into Court. But where the Executors have not a much larger ſum than will be ſufficient to anſwer their Coſts in the Cauſe, it ſhould not be taken out of their poſſeſſion, as, on the Account which will be directed by the Decree to be taken before the Maſter, the balance then found in their hands will be ordered to be paid into Court. A Notice of Motion for the transfer of the ſtock to the Accountant General will be found in the Appendix, under title "Notices of Motion," N° 1.

The Notice being ſerved on the Defendants' * Clerk in Court, (which muſt be done at leaſt two days before the time mentioned in the Notice for the Motion to be made) an Affidavit of the Service thereof ſhould be made; for the form of which, ſee Appendix, under title "Affidavits," N° 1.

The Affidavit being ſworn before a ‡ Maſter in Chancery, for which 1*s.* is paid, muſt be filed at the Affidavit Office in Staples Inn, and an Office Copy thereof obtain-

† If the Anſwer ſhould appear imperfect, by not anſwering all the Allegations in the Bill, Exceptions muſt be taken thereto; the mode of doing which is explained hereafter.

* All Services in courſe, on the Clerks in Court on either ſide, of Orders, Notices of Motion, &c. may be on his Agent at his Seat in the Six Clerks Office, except when the Orders, or any proceſs, are directed to be ſerved on the Clerk in Court, there perſonal Service is required.

‡ One of the Maſters in Chancery ſits at the Public Office in Symonds Inn from 10 till 2, and from 6 till 8 every day, except in the Long Vacations after the Seals, then from 11 till 1 only; and the Public Office is not opened on a Saturday in the long Vacations.

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ed from thence. In order to ſave time, it is uſual for the Solicitor to make a * Copy of the Affidavit on Duty for an Office Copy; which, being marked at the Affidavit Office, may be read in Court on the Motion, if the adverſe party does not appear.

Prepare a Brief for Counſel, which ſhould ſtate ſhortly the purport and object of the Bill, and the admiſſions of the Defendants from their anſwer; annex a Copy of the Notice of Motion, and give a Fee to Counſel according to the length of the Brief. On the day the Motion is to be made, attend the Court with the Papers in the Cauſe. If the Defendants appear, and oppoſe the Motion, the Plaintiffs' Solicitor may be required to read, from the Office Copy of the Anſwer, that part of it, by which the Defendants admit the Money to be ſtanding, as ſtated in the Notice of Motion. When the Motion has been fully heard, the Court will exerciſe its diſcretion, in granting or refuſing the application, or varying the terms of it. If the Defendants do not appear, the Court may require the Solicitor to read that part of the Anſwer which ſhews the Defendant's admiſſion of the facts on which the Application is grounded; and likewiſe to read the Affidavit of the Notice of Motion having been duly ſerved.

If an Order ſhould be made, it muſt be drawn up by the Regiſter, at his Office in Chancery Lane; to enable him to do which, the Solicitor leaves with him the Brief given to Counſel. The Order, when drawn up, ſhould be carefully peruſed by the Solicitor; when paſſed by the Regiſter, it muſt be left with the proper † Enter-

* For the direction of the Solicitor, it may be obſerved, that when he copies long Affidavits, to ſave the time of the Copies being made at the Affidavit Office, each ſheet of paper uſed muſt have a treble 6*d*. ſtamp; the firſt ſide to contain nineteen lines, and every other ſide ſeventeen lines, ſix words in each line, except the title of the Cauſe, and Schedules of Accounts annexed or referred to in ſuch Affidavits, which are to contain four words in a line, beſides the column of figures on the right hand, and dates and times in figures on the left hand.

† All Orders and Decrees, where the firſt Plaintiff's name begins with any letter from A to K inclusive, are entered at one Seat; and where the firſt Plaintiff's name begins with any letter from L to Z, incluſive, at another Seat; over which Seats the letters A to K, and L to Z, are painted for the direction of the Solicitor.

ing Clerk to be entered; * ſerve a Copy of the Order on the Defendants' Clerk in Court, and leave the original Order at the Accountant General's Office; where the Defendants' Solicitor may apply for the proper Tickets for the making of the Transfer †.

If, on peruſing the Anſwer, it ſhould be found neceſſary to amend the Bill, by adding Parties, or otherwiſe, leave of the Court muſt be had for that purpoſe; which may be obtained either on Motion to the Court, or by a Petition to the Maſter of the Rolls. In Term Time this is uſually done by Motion, and is granted of courſe, except as after mentioned. Give a Motion Paper to the Counſel who ſettled the Bill, and he having made the Motion in Court, the Regiſter will draw up the Order, on the Motion Paper being left with him. Enter the Order, which may be done on all Orders contained in one ſide of the paper only, by leaving a Copy thereof with the Entering Clerk, who will then mark the Order entered; which muſt be ſerved on the Defendants' Clerk in Court. On all Services of Orders, the original Order paſſed and entered muſt be ſhewn to the perſon on whom it is ſerved.

If in the Amendment it ſhould be found neceſſary to alter ſo much the ſhape and form of the Cauſe as to make a perſon, already a Plaintiff in the Cauſe, a Defendant, a Notice of Motion for liberty to make ſuch an Amendment muſt be given. Otherwiſe on making a Defendant a Plaintiff. The reaſon is that as a Defendant has the Security of all the Plaintiffs for his Coſts in the Cauſe, ſhould the Bill be diſmiſſed againſt him, or Coſts decreed in his favor, his Security is leſſened by ſuch an amend-

* This is neceſſary only where the Adverſe Party does not appear on the Motion; if he appears he hears the Order made by the Court, which ſuperſedes the neceſſity of Service. Such is the practice in ſtrictneſs. But quære, Is it not better in all Caſes to ſerve the Order, except where the ſame is very long.

† If the Defendants neglect to make the Transfers required by the Order within a reaſonable time, then, on a Certificate from the Accountant General that the Transfers have not been made, the Court may be moved that the Defendants may make the Transfers within a limited time (uſually a week or ten days). Notice ſhould be given of this Motion; the Order being made, ſhould be ſerved on the Defendants' Clerk in Court. In order to bring the Defendants into contempt for a non-compliance with this Order, a Writ of Execution thereof muſt be had, and ſerved on the Defendants before the time limited in the Order for the Transfers to be made is expired. All Writs of Execution of Orders, or Decrees, are made out by the Clerk in Court, on the Order or Decree being left with him.

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ment—not ſo by making a Defendant a Plaintiff, or adding another Perſon as Plaintiff to the Bill, in which caſe the Security of the Defendant for his Coſts is increaſed.

The neceſſary amendments being then made in the Draught of the Bill, (which had better be done in red ink, that the alterations may be ſeen the more readily) leave the Draught ſo amended (together with the Order to amend the Bill) with your Clerk in Court, who will make the record of the Bill agreeably thereto, and will call for the Defendants' Office Copies, and procure them to be altered agreeably to the Amendments. Remember, that in all caſes where the Amendments do not exceed two Chancery folios in any one place, a new Engroſſment will not be required; but if the Amendments are more extenſive *, or the Bill has been ſo often amended that the new amendments required, although under two folios, cannot be written in the Record, the amended Bill muſt be engroſſed on parchment with a 2*s.* 6*d.* ſtamp, and filed anew. At the time of filing the new Engroſſment, inform the Clerk in Court, that it is an amended Bill, and leave with him the Order for leave to amend the Bill; without this precaution the amended may be filed as an original Bill, and a difficulty experienced in rectifying the miſtake. Where the Defendants are required to put in an anſwer to the Amendments, and likewiſe where a new Engroſſment from the length of the Amendments is rendered neceſſary, the Plaintiffs muſt pay 20*s.* Coſts to each of the Defendants' Clerk in Court; except in the Caſes where the Defendant ſubmits to anſwer Exceptions taken to the Anſwer for inſufficiency: and where the Anſwer is reported inſufficient, on a reference of the ſame to the Maſter. Of the mode of proceeding on Exceptions ſee hereafter.

TRINITY VACATION.

WHEN all the Anſwers are filed, the Proceedings ſhould be abbreviated, and copied for Counſel; and, as the Queſtions, Whether the Anſwer is full to a common intent?—Whether the Cauſe can ſafely be heard on Bill and Anſwer?—and, Whether any, and what Evidence is neceſſary to be entered into? are more particularly the province of the Counſel to conſider and determine on, a Brief of the Pleadings ſhould be left with the Counſel who drew or ſettled the Bill, for his advice

on

on theſe points. His Fee is according to the length of the Brief, and the importance of the ſubject in diſpute.

When it is neceſſary to amend the Bill, (by adding parties, or otherwiſe) the Solicitor has before had ſufficient inſtructions; ſuch a circumſtance is however again ſuppoſed neceſſary here, in order to introduce another part of the practice of the Court to the Solicitor's Notice. As the Order to amend was before obtained by Motion, being in the Term, the permiſſion is now obtained by Petition to the Maſter of the Rolls for that purpoſe; this being the only mode of Application in the Vacation, after the Seals are over. The form of the Petition will be found in the Appendix, under the title "Petitions," N° 5. That form, however, muſt be ſubject to variation according to the circumſtances. If none of the Defendants have anſwered, it ſhould be ſo ſtated, and the prayer varied accordingly; if ſome have anſwered and others not, and no further anſwer is required from thoſe who have anſwered, the Prayer muſt be made agreeably to the fact.

Pay anſwering at the Rolls 5*s.* 6*d.*; drawing up the Order, as uſual, 4*s.* 6*d.*; and entering 1*s.* 6*d.*; ſerve the Order on the Clerks in Court, and procure the Record amended.

If new Parties, Defendants, are added to the Suit by the Amendments, who reſide in London, or within ten miles of that city, a Subpœna, returnable immediately, may be had on application to the Maſter of the Rolls by Petition, or by Motion to the Court at a General Seal; this is neceſſary in the Vacation only, as in Term the Subpœna may be made returnable on any day. The form of the Petition for that purpoſe is given under the head "Petitions," in the Appendix, N° 1; and the form of the Affidavit neceſſary to be made in ſupport of the Application, whether by Petition or Motion, will be alſo found in the Appendix, under the title "Affida-"vits," N° 5.

Leave the Petition and Affidavit with the Secretary to the Maſter of the Rolls. The Petition being anſwered, the Order is drawn up at the * Regiſter's Office, and entered there; before which the Affidavit muſt be filed at the Affidavit Office, and a

* All Orders of courſe on Petitions preſented to the Maſter of the Rolls are drawn up by Mr. Bird, whoſe ſeat is the furtheſt on the right hand ſide in the Regiſter's Office.

Certificate

Certificate thereof taken to the Clerk who draws up the Order. Pay filing Affidavit 2s. Take the Order, and a Præcipe for the Subpœna, to the Subpœna Office; if to be ſealed at a private Seal, 3s. 6d. extra is paid; but if it ſhould be neceſſary to open the Seal for that purpoſe, two Guineas muſt be paid. It is not neceſſary to file another Warrant to proſecute; on ſhewing the Order to amend the Bill to the Clerk at the Subpœna Office, he cannot require another Warrant.

The Defendant muſt appear in four days after the Service of a Subpœna returnable immediately; and his time for anſwering will expire in eight days after his Appearance; but he will be entitled to the uſual time to be obtained by Orders.

MICHAELMAS TERM, 1786.

ON the death of any party in the Cauſe, before Hearing, whoſe intereſt by that means is tranſmitted to another, the Suit becomes * abated, and the Cauſe muſt be revived. The death of a Plaintiff is ſuppoſed to occaſion the neceſſity of a Bill of Revivor in this Suit.

The Bill muſt be ſigned by Counſel, and being filed, a Subpœna to revive muſt be ſued out and ſerved on the Defendant, who has the ſame time to appear thereto, as to a Subpœna to anſwer. He has until eight days after † Appearance to put in his Anſwer: but, as an Anſwer is ſeldom neceſſary to a mere bill of Revivor, the Plaintiff's Solicitor, on the expiration of the eight days after an Appearance entered, allowed for the Defendant to put in his Anſwer, and the Anſwer not being filed, may apply to the Court by Motion that the Cauſe may ſtand revived, which will be ordered of courſe. Draw up and enter the Order, and ſerve the ſame on the Defendants' Clerk in Court.

* The marriage of a Feme Sole Plaintiff will abate the Suit; but by the marriage of a Feme Sole Defendant, the Suit does not become abated, although after marriage her huſband muſt be named in all the ſubſequent proceedings. Before a Decree the Plaintiff only can revive the Cauſe, on its abating: after a Decree *to account*, the Defendant may revive; for then both Parties are Actors, and equally entitled to the benefit of the Decree, and have equally a right to proſecute it. Kent *v.* Kent, Prec. Chan. 197. Done's Caſe, 1 Williams, 263, (note) and Anonymous 3d Atk. 691.

† If the Defendant does not appear, the Practical Regiſter ſtates the practice to be, that the Plaintiff may revive eight days after the time of *appearing* and *anſwering* is out; for where the Bill of Revivor requires no Anſwer, the Defendant will not incur contempt of Court for not appearing. Pract. Reg. 350.

If

See page 6 for additional Note under Erratum

If a Replication is to be filed to the Anſwers (which is always neceſſary where the Plaintiffs, or any of them, are Infants) the Plaintiffs' Solicitor gives inſtructions to his Clerk in Court for that purpoſe. After the Replication is filed, the next ſtep is to ſerve Subpœnas to rejoin; the Cauſe is then at iſſue, and the Parties may immediately proceed to the Examination of Witneſſes. Subpœnas to rejoin, returnable on a day in Term, may be had without any application to the Court: but in that caſe they muſt be ſerved on the Defendants in the ſame manner as the firſt proceſs in the Cauſe: but, in order to ſave trouble and time, it is now in every caſe uſual to apply by Motion to the Court, or * Petition to the Maſter of the Rolls, for liberty to ſue out Subpœnas to rejoin, returnable immediately, and that Service thereof on the Defendants' Clerks in Court may be deemed good Service on the Defendants. If there are any Witneſſes who reſide in the country to be examined, it is uſual to add to the Motion or Petition a requeſt for permiſſion "to ſue out a Commiſſion for the Examination of Witneſſes, "returnable without delay, and that the Defendants' Clerks in Court may, in four days "after Notice, join, and ſtrike Commiſſioners names, or in default thereof, that the "Plaintiffs may have a Commiſſion directed to their own Commiſſioners, with "liberty to execute the ſame in Term Time;" all which is granted of courſe. Draw up and enter the Order, and procure the Subpœnas from the Subpœna Office, which will be made out there on the production of the Order, and a Præcipe being left for that purpoſe, in the following form:

"Subpœna for *A B, C D,* and *E F,* to rejoin, at the Suit of *G H,* and others,
"returnable immediately.

"Williams, Solicitor, 16th November, 1786."

The ſame rules apply to this Subpœna, with reſpect to the number of Defendants, &c. as to the firſt Proceſs in the Cauſe. Serve the Order and the Subpœnas on the Defendants' † Clerks in Court; and if a ‡ Commiſſion for the Examination of

* Vide "Petitions" in the Appendix, N° 8.

† Service on his Clerk or Agent at his Seat in the Six Clerks Office is ſufficient.

‡ The practice now univerſally acquieſced in is, not to iſſue a Commiſſion for the Examination of Witneſſes in the country at a leſs diſtance than twenty miles from London; and certainly the travelling and other expences of Witneſſes to London, from a much greater diſtance than twenty miles, will be leſs than the expence of executing a Commiſſion in the country.—But, on the point of Practice, ſee Ord. Canc. 109, where ten miles is ſtated as the diſtance from London in which no Commiſſion for the Examination of Witneſſes ſhall be executed.

Witneſſes in the Country is neceſſary to be had, beſpeak the ſame of your Clerk in Court, and furniſh him with Commiſſioners names on the part of the Plaintiffs for that purpoſe.

The Cauſe being now at Iſſue, all Parties proceed to examine Witneſſes in ſupport of their Caſe, as ſtated in the Pleadings: the Plaintiff muſt prepare Interrogatories for the Examination of his own Witneſſes; and for the Croſs-examination of ſuch of the Defendant's Witneſſes as may be deemed neceſſary. The Interrogatories muſt be ſigned by Counſel, and engroſſed on a 2*s.* 6*d.* ſtamp parchment; and for the Examination of Witneſſes in town, filed at the Examiner's Office. Inſtruct your Examiner, at the time of leaving the Interrogatories, as to the points in the Cauſe on which the Witneſſes are more particularly to be examined, and ſettle with him a time for their Examination.

If a Will is to be proved in the Cauſe, the original muſt be had for that purpoſe; for which, if proved there, apply at the Prerogative Office, and a Clerk will be directed to attend with it at the Examiner's, and will take it back to the Prerogative Office when the Examiner has no farther occaſion for it.

When a Witneſs refuſes to attend to be examined, a Subpœna muſt be had, and ſerved on him; the Præcipe for which is as follows:

" Subpœna for William James, to appear in Chancery, returnable immedi-
" ately, to teſtify on the behalf of *A B*, and others.

" Williams, 19th November, 1786."

Three Witneſſes only can be inſerted in the Subpœna. Serve the Subpœna, together with a Notice of the time and place of his being required to attend for Examination, on the Witneſs; and at the ſame time give or tender him 1*s.* if he reſides in London; if in the country, ſufficient for his expences to town.

The Subpœna ſhould be ſerved perſonally on the Witneſs two days at leaſt before the time appointed for his Examination. If he then refuſes to attend, a Certificate muſt be had from the Examiner that the Interrogatories are filed, and that the Witneſs has not attended to be examined: An Affidavit muſt be

made of the Service of the Subpœna; which being filed, and an Office Copy procured, the Court, on Motion, will make an Order for the attendance of the Witneſs, at his own expence, to be ſworn and examined, in four days; or that he ſhall ſtand committed to the Fleet Priſon. The Order being drawn up, paſſed, and entered, muſt be ſerved perſonally on the Witneſs. If he ſtill refuſes to be examined, a Certificate of the fact muſt be obtained from the Examiner, an Affidavit of the Service of the Order on the Witneſs made and filed, an Office Copy had, and a Motion made thereon, with the Certificate, to the Court; that the Witneſs may ſtand committed to the Fleet Priſon, which will be granted of courſe. The Order to this Effect being drawn up, paſſed, and entered, muſt be delivered to one of the Meſſengers of the Court, who obtains a Warrant thereon from the Lord Chancellor's Secretary, and will apprehend the Witneſs by virtue thereof, and take him to the Fleet Priſon; where he muſt remain until he has been fully examined on the Interrogatories, paid the Coſts of the Contempt, and until the Court make an Order for his Diſcharge; which he may obtain (on procuring a Certificate from the Examiner of his having been fully examined) either by a Motion in Court, or by a Petition to the Maſter of the Rolls, * conſented to by the Party on whoſe behalf he has been examined. The ſame method is uſed to compel the attendance of a witneſs to complete his Examination, where he has been ſworn, and afterwards refuſes to attend the Examiner; and likewiſe where he has been examined, but refuſes to ſign his Depoſition.

A Witneſs in priſon may be examined there, for which purpoſe a Maſter in Chancery and the Examiner will attend him in priſon. The Examiner ſhould be appointed two or three days before the time of taking the Examination, and a Notice given thereof to the Clerk in Court for the adverſe Party, in order that he may croſs-examine the Witneſs at the ſame time, if he has occaſion ſo to do. A Witneſs incapable of attending from ſickneſs, or infirmity, may be examined at his reſidence in the ſame manner. Theſe inſtructions, however, apply only to the caſe where the Witneſs is within twenty miles of London; if at a greater diſtance, a Commiſſion may be iſſued to take the Examination.

* The Conſent is merely to ſhew that the Coſts of the Contempt are ſatisfied, and is not neceſſary if the Satisfaction is ſhewn to the Court in any other manner: if it appears that the Coſts have been paid, or tendered, it is ſufficient.

Where

Where a Defendant has in his cuſtody a Deed, Inſtrument, or any other Voucher neceſſary to be proved, on the behalf of the Plaintiff, or any other party in the Cauſe; and refuſes to leave the ſame with the Examiner; on application by Motion to the Court for that purpoſe, and proof being offered of the Inſtrument being in the poſſeſſion of the party who refuſes to deliver it, he will be ordered, within a limited time, to leave the ſame with the Examiner. A Notice of this Motion ſhould be given to the Clerk in Court, in the uſual way, and an Affidavit thereof made and filed, &c. If a Defendant in his Anſwer admits the Inſtrument to be in his poſſeſſion, that proof is ſufficient; otherwiſe an Affidavit muſt be made of the fact; to which ſhould be added, that the Defendant has been applied to, and has refuſed to leave the Deed or Inſtrument with the Examiner. The Order, when obtained, ſhould be perſonally ſerved, to ground the Proceſs of * Contempt, in caſe he ſhould afterwards refuſe to comply with the terms thereof. If any other perſon, not a party to the Cauſe, has a Deed or Inſtrument in his poſſeſſion neceſſary to be proved in the Cauſe, a Subpœna duces tecum muſt be obtained, and ſerved perſonally on the Witneſs. To the form of a Præcipe for a Subpœna ad teſtificandum before given, muſt be added the common Clauſe in a Subpœna duces tecum. The Præcipe will then be to the following purport:

" Subpœna for William James to appear in Chancery, returnable immediately,
" to teſtify on the behalf of *A B* and others; and to bring with him a certain
" Indenture of Settlement, bearing date the 10th day of May, 1765, and
" made, or expreſſed to be made, between [deſcribe the parties in the Deed]
" in his cuſtody. Williams, Solicitor, 19th November, 1786."

If it ſhould be neceſſary to examine a Defendant for the Plaintiffs, which is often the caſe, as where he is a Witneſs to the Execution of any Inſtrument ſtated in the Proceedings, &c. &c. leave muſt be obtained for that purpoſe by a Motion in Court, or Petition at the Rolls. This is granted of courſe, on the Terms of ſaving to all other parties juſt Exceptions; and, the Order being obtained, ſerved as uſual, and left with the Examiner, he will examine the Defendant.

* If the Defendant does not leave the Deed or Inſtrument with the Examiner within the time limited in the Order, then, on Affidavit of the Service of the Order, and a Certificate from the Examiner that the Deed or Inſtrument is not left, the Court, on Motion, will order that the Defendant ſhall ſtand committed to the Fleet Priſon for his Contempt.

While the above Proceedings are going on, a Rule to produce Witneſſes ſhould be given: this is done by the Clerk in Court, (on being directed ſo to do by the Solicitor) who gives Notice thereof to the adverſe Parties. The Rule expires in eight days incluſive; and the Plaintiffs' Solicitor may, after the expiration thereof, in the ſame term, direct his Clerk in Court to give a Rule to paſs Publication, which will likewiſe expire in eight days incluſive. The eight days in each of theſe Rules muſt be days in Term; therefore neither of them can be given unleſs entered in eight days before the end of the Term. Either of theſe Rules may be entered by the Defendant, if the Plaintiff neglects to give them for one Term.

On the expiration of the Rule to paſs Publication (if the time is not enlarged by an Order) the Examiner will deliver out Copies of the Depoſitions of Witneſſes taken for both parties.

The Execution of Deeds, and the hand-writing of letters, or ſignature thereto, as to accounts, &c. &c. may be proved viva voce at the Hearing of the Cauſe, an Order being firſt obtained for that purpoſe, on application to the Court by Motion, or by Petition to the Lord Chancellor, or Maſter of the Rolls. The Order muſt deſcribe the Deeds by their dates, and parties names; and letters by their dates, and from and to whom; and other matters intended ſo to be proved, muſt have a proper deſcription. Office Copies of Judgments, Inrollments of Deeds, and various other Inſtruments, may be thus proved, and read at the Hearing; but a Will cannot, the Witneſſes to which muſt be examined on Interrogatories, the adverſe party having a right to croſs examine the Witneſſes as to the Sanity of the Teſtator, the manner of Execution of the Will, &c. &c.

The Rule to paſs Publication being expired, the Cauſe may be ſet down to be heard; which is done in the following manner:—The Clerks in Court have permiſſion to ſet down a limited number of Cauſes for hearing every Term. This is uſually done about the time of the third Seal after each Term; and theſe Cauſes are to come on in their courſe to be heard in the enſuing Term †. The Solicitor may give in the name of his Cauſe to his Clerk in Court, with directions before

† N. B. A Cauſe cannot be ſet down to be heard in the ſame Term in which the Rule to paſs Publication is given, but by the conſent of all parties.

whom

whom he wiſhes the Cauſe to be ſet down; viz. the Lord Chancellor, or Maſter of the Rolls. The Clerk in Court will procure the Cauſe to be ſet down, purſuant to his inſtructions, among the others in his liſt, and will furniſh the Solicitor with the Regiſter's note thereof; or will, if required, procure the Subpœnas to hear Judgment. When the Solicitor himſelf ſets down the Cauſe to be heard, he muſt obtain from his Clerk in Court the Six Clerks' Certificate of the Pleadings being filed, and Publication paſſed; which being left with the Regiſter, he will enter the Cauſe in the Cauſe Book, and will give a * note of the ſame being done; which, with the Præcipe for the Subpœna to hear Judgment, muſt be left at the Subpœna Office. Not more than three Defendants can be named in one Subpœna. If there are more Defendants, as many Præcipes muſt be left as will include all. The form of the Præcipe for the Subpœna is as follows:

" Subpœna for *A B*, *C D*, and *E F*, to hear Judgment, on the
" day of (the time mentioned in the Regiſter's note) at the
" ſuit of *G H*, and others.

" Williams, Solicitor, 20th December, 1786."

The ſame Rule holds in the Service of this Writ as in the Service of a Subpœna to appear and anſwer. The Label ſhould be ſerved perſonally, and the body of the Subpœna, if it cannot be ſerved perſonally, ſhould be left under ſeal at the houſe of the Defendant with one of his family. If the Defendants live in town, or within twenty miles, they ſhould be ſerved ten days at leaſt before the time mentioned in the Writ to hear Judgment, except in the Vacation between Eaſter and Trinity Terms, then eight days. If the Defendants reſide above twenty miles from London, the Service muſt be fourteen days before the time to hear Judgment, except in the above Vacation, then ten days only.

Where a Defendant cannot be found, and his Solicitor and Clerk in Court refuſe to receive the Writ, or to undertake to appear for him at the Hearing of the Cauſe,

* When the Clerk in Court ſets down the Cauſe, and does not procure the Subpœnas to hear Judgment, he will ſend the Regiſter's note to the Solicitor, to enable him to procure them, and this is the uſual practice where there are ſeveral Defendants; the Solicitor being moſt adequate to arrange the Defendants in the Subpœnas as the Service thereof may require.

enquiry

enquiry ſhould be made of his Solicitor, and likewiſe of his Clerk in Court, where the ſaid Defendant is to be met with, in order that the Subpœna may be ſerved on him. If they refuſe, or are unable to give the information required, then on Application by Motion in Court, or by Petition to the Maſter of the Rolls, grounded on an Affidavit of the facts, an Order will be made, that Service of the Subpœna on the Defendant's Clerk in Court ſhall be deemed good Service on the Defendant. The Petition for that purpoſe, and Affidavit in ſupport thereof, are given under their reſpective heads in the Appendix, N°s 16 and 3 —Procure the Petition anſwered at the Rolls. Draw up the Order, enter the ſame, and ſerve a Copy thereof, with the Subpœna, *perſonally* on the Clerk in Court.

When all the Defendants are ſerved, make an Affidavit of the Service; file ſame, and procure an Office Copy, in order to read it on the Hearing of the Cauſe, in caſe any of the Defendants ſhould then make default in appearing.

HILARY TERM, 1787.

IN any ſtage of the Proceedings ſuch an alteration may happen in the rights of ſome of the parties, as to render a Supplemental Bill neceſſary: for it muſt be underſtood, that at the *Hearing* of the Cauſe every perſon who may be affected by the demand made by the Plaintiffs muſt be before the Court as Parties to the Suit. The neceſſity of a Supplemental Bill here ariſes from a Defendant materially intereſted becoming a Bankrupt. His property being then veſted in his Aſſignees, they are entitled to his intereſt in the Suit. Or, in caſe the Bill made any Claim againſt him, they are entitled to repreſent him, and to make ſuch Defence againſt the Claim as they ſhall be adviſed; even though ſuch Defence had not been made or inſiſted on by the Bankrupt himſelf, in his Anſwer.

The Supplemental Bill is moſt properly left to the Counſel to draw. When prepared, it muſt be engroſſed and filed, in the ſame manner as an Original Bill *. A Subpœna muſt be had, and ſerved on the Defendants thus become Parties

* Except that it muſt be filed with the Six Clerk with whom the former Proceedings in the Cauſe are filed.

to the Suit; and the Proceedings againſt them will in every reſpect be ſimilar to the Proceedings which have already been had, in the original Cauſe; ſuch as filing a Replication to the Anſwer, examining Witneſſes, &c. &c.

It may frequently, in the above and other Caſes, become neceſſary to adjourn the Cauſe already ſet down to a future day. Such Adjournment may ſometimes be had, to give an opportunity to ſettle the Cauſe: but in ſuch caſe it is proper that the Clerk in Court for the adverſe Party ſhould ſign his conſent to the Petition, if applied for in that manner; or, that a Counſel ſhould conſent for him, if applied for by Motion.

The form of the Petition is inſerted in the Appendix, under the head "Petitions," N°s 17, 18, 19, and 20.

The Petition muſt be preſented either to the Lord Chancellor or the Maſter of the Rolls, as the caſe may happen to be, before whom the Cauſe is ſet down. If before the Lord Chancellor, the Petition muſt be left with his Secretary (Mr. Cotes, No. 2, Lincoln's-Inn New Square). If before the Maſter of the Rolls, with his Secretary, (Mr. Smith) at his Office in the Rolls-Yard. When anſwered, the Order muſt be drawn up thereon, entered, and ſerved on the Defendants' Clerks in Court. The Regiſter will mark the Cauſe adjourned in the Cauſe Book at the time he draws up the Order. On the Anſwers of the new Defendants being filed, and appearing to be full and ſufficient, a Replication thereto may be immediately filed, a Subpœna to rejoin obtained, and ſerved, as before directed; and, if no new Evidence appear neceſſary on the part of the Plaintiffs or Defendants, a Rule to produce Witneſſes may be given: and ſhould the Cauſe be in ſuch a ſtate of forwardneſs in the Cauſe Book as to be heard in the Term, Publication may be paſſed by conſent, if the Solicitor for the new Defendants will agree to it. This Conſent is ſhewn by the Clerks in Court ſigning a Memorandum to that effect in the Rule Book in the Six Clerks' Office. If the Defendants' Solicitor ſhould not conſent, and the Cauſe is likely to be called on to be heard, before Publication can paſs by the Rule to be given for that purpoſe, it muſt again be adjourned *.

* If the Defendants' Solicitor will not conſent to paſs Publication, and to the Application made to the Court, or at the Rolls, for the Cauſe to ſtand adjourned, an Order to adjourn may be refuſed; in which caſe the Cauſe, when called on to be heard, will be ſtruck out, and muſt be ſet down anew.

To

To prepare for the Hearing, a complete Brief of all the Pleadings and Depoſitions muſt be made, and delivered to Counſel, with Fees, according to the length of the Brief, and importance of the ſubject to be diſcuſſed at the Hearing. In an intricate ſubject, a Conſultation of the Counſel ought to be had, that the points in the Cauſe may be properly underſtood; and the way in which the ſubject ſhould be treated on the Hearing, fully conſidered. To obtain this Conſultation, fix a time with the Senior Counſel, and inform the Junior of the hour agreed on, who will attend at the Chambers of the Senior Counſel at the time appointed; where the Solicitor muſt likewiſe attend, with all the Papers neceſſary for their information and inſpection. The Fee is two Guineas each Counſel; and *7s. 6d.* is always given to the Senior Counſel's Clerk, on a Conſultation.

The Solicitor muſt watch the Cauſe in the Regiſter's Book; and when it is eſt down in the Paper of the day, he ſhould attend the Court with his Papers every Cauſe Day, until it is heard. If a Will is to be produced to the Court on the Hearing, it muſt be beſpoke at the proper * Office; and a Clerk will be ſent from thence to attend with it in Court. Make a Copy of the Title of the Cauſe and Prayer of the Bill, for the † Chancellor's uſe, and on the Cauſe being called on to be heard, give it to the Regiſter (who ſits under the Chancellor.) For the convenience of the Solicitor, and to enable him the more readily to anſwer any inquiries made by the Court reſpecting dates of Deeds, Letters, and Events, ſtated in the Pleadings, he will find it uſeful to have the ſame arranged in proper order on a ſheet of paper, ſo that at one view every date may be aſcertained; and it may not be amiſs to furniſh his Counſel with a Copy of this Arrangement.

After the Cauſe is heard, the Lord Chancellor, on moſt occaſions, immediately declares his Decree in Court; the Minutes of which are taken down by

* At the Prerogative Office, or Office of the Dioceſe where the Will is proved.

† The ſame Rule muſt be obſerved when the Cauſe is heard before the Maſter of the Rolls.—A Notice has lately been affixed up in Court at the Rolls, deſiring that the Solicitors, or ſome ſkilful Clerk on their behalf, ſhall always attend at the Hearing of the Cauſe.——It is much to be regretted that ſuch an Order ſhould have been found neceſſary.

the

the Regiſter. A great deal of attention is neceſſary at this time. The Solicitor ſhould not fail to furniſh his Counſel with ſuch particular directions as he conceives neceſſary to be given for his Client's intereſt. And, whatever may be the determination of the Court, on any queſtions which have been agitated on the Hearing, he ſhould be particularly careful that the § directions given may anſwer all the purpoſes for which they are intended, and include all the inquiries neceſſary for his Client's intereſt.

Sometimes the Court takes time to conſider of the Decree to be made, inſtead of delivering it immediately after the Hearing. In this caſe the Cauſe is ſaid to *ſtand for Judgment*, and will be ſo entered in the Regiſter's Book. When the Court is prepared to give Judgment, intimation will be given to the Regiſter, who will inform the Solicitors thereof. On the giving Judgment, the Counſel ſhould have their Briefs, with a Fee, to attend to the Judgment given, and to the directions neceſſary to anſwer the rights and intereſts of their Client *.

§ The Solicitor's attention is at this time moſt particularly neceſſary, as great practical knowledge is very often required in the Settlement of the Minutes of the Decree delivered by the Court.

* If any Defendant ſhould make default, and neglect to appear on the Hearing of the Cauſe, the Affidavit of the Service of the Subpœna to hear Judgment muſt be read; the Court will then make the Decree niſi againſt him; which being drawn up and entered, a Subpœna muſt be obtained, and ſerved on the Defaulter; which Subpœna will be made out on the production of the Decree paſſed and entered, and a Præcipe, in the following form, being left at the Subpœna Office.

" Subpœna for *C D*, to appear in Chancery, the day of to ſhew Cauſe againſt
" a Decree, dated the day of 1787, at the Suit of *A B*, and others.
" Williams, Solicitor, 31ſt January, 1787."

This Subpœna, being obtained, muſt be ſerved on the Defendant making default; who, if diſſatisfied with the Decree, muſt petition that the Cauſe may be re-heard (ſee the form of the Petition in the Appendix, under head " Petitions," N° 50) which will be granted on its being ſhewn that the Coſts of the former Hearing have been paid, or tendered.

If the Defendant does not petition to re-hear the Cauſe, then, upon Affidavit of the Service of the Subpœna, and a Certificate from the Regiſter of no Cauſe ſhewn, the Plaintiff may move the Court to make the Decree abſolute, which will be granted on a Motion, of courſe.

If all the Defendants make default at the Hearing, the Cauſe will be opened for the Plaintiff, and on an Affidavit being read of the due Service of the Subpœna to hear Judgment, the Plaintiff will have liberty to draw up ſuch a Decree as his Caſe will ſupport; for which purpoſe his Solicitor will give in Minutes to the Regiſter, who will draw up the Decree agreeable to his directions, and which Decree will be made abſolute in the uſual way, unleſs Cauſe ſhewn by the Defendants as above directed.

After the Decree is delivered, the † Plaintiffs' Solicitor ſhould leave the Senior Counſel's Brief with the Regiſter, at his Office, the better to enable him to draw out the Minutes of the Decree. The Brief is likewiſe neceſſary for him when he draws the Decree, which cannot be done without a complete Brief of all the Pleadings and Proceedings. When the Regiſter has fully drawn out the Minutes, the Solicitor ſhould take a Copy thereof for his peruſal and more mature conſideration. If any miſtakes ſhould * appear, or any neceſſary direction be omitted, and the Regiſter cannot, conſiſtent with his duty, make the alteration required, an Application muſt be made to the Court for that purpoſe. This Application is either by Motion, or by Petition; when by Motion, a Notice thereof muſt be ſerved on the adverſe Clerks in Court. (The form of the Notice is given under the head "Notices of Motion," in the Appendix, N° 3.)

Prepare an Affidavit of the Service of the Notice; file the ſame, and procure an Office Copy thereof to read in Court, in caſe the adverſe Party ſhould not appear on the Motion. Draw a Brief for Counſel, pointing out the neceſſity for the alteration applied for: annex a Copy of the Notice, and leave with the Brief a Copy of the Minutes as drawn. Attend the Court on the Motion, when the Application will be conſidered, and either granted or rejected, or the Minutes will be varied in ſuch other manner as to the Court ſhall appear expedient. If the Application ſhould be rejected, as frivolous or unneceſſary, the Court will give Coſts againſt the Applicants. When the Application is by Petition, the Petition ſhould ſtate the important facts and circumſtances in the Pleadings, and Proofs, briefly and pointedly to the purpoſe which the Application is intended to anſwer; and the Prayer muſt be framed in the ſame way as the Notice of Motion would have been, if that mode of Application had been followed. When the Petition is anſwered, it muſt, with the Anſwer thereto, be ſerved on the Clerks in Court for all the other parties in the Cauſe, and an Affidavit of the Service, and an Office Copy of ſuch Affidavit had

† Any Party in the Cauſe may beſpeak the Decree; which is done by leaving a full Brief of the Pleadings with the Regiſter, and therewith one Guinea, in part of the charge for the ſame.

* This is more properly the ſubject of a Re-hearing; but if the Application is made within a reaſonable time after the day of Hearing, and Decree made, (that is, within the ſame Term, or at the Seals after) and while the Decree remains in Minutes, the Court will make ſuch alteration as may appear neceſſary.

to read in Court on the Hearing. The Petition will be ſet down, and come on to be heard, with other Petitions, on the next Petition day after it is anſwered. The Lord Chancellor will not interfere with the Minutes of a Decree made by the Maſter of the Rolls, nor the Maſter of the Rolls with thoſe made by the Chancellor. To rectify the Minutes delivered at the Rolls, the only mode is by Petition, as no ſpecial Applications by Motion are heard there.

When the Court directs the Minutes to be altered, an Order to that effect muſt be drawn up by the Regiſter, which ſhould be ſerved on the Clerks in Court for the adverſe Parties. The Regiſter will then draw the Decree, which will be delivered to the Plaintiff's Solicitor (or to the Solicitor who beſpoke it). It ſhould be carefully examined and compared * with the Pleadings and Minutes, and afterwards left with the Regiſter for his final ſettlement, and to be paſſed; which is done by the Regiſter ſigning the initials of his name in the margin, at the bottom of the laſt ſide. The Solicitors for the Defendants may have Office Copies of the Decree; and it is uſual to give them † notice a day or two before, of the time of paſſing the Decree, that they may attend to examine their Copies at the ſame time. The Decree, having been paſſed, muſt be left with the proper Entering Clerk, to be entered. His charge is *6d.* for every ſide or page of the Decree, and 1*s.* more for every ten ſides or pages, for Duty; and the Entering Clerk ſhould be informed what number of Copies are delivered out.

* On the Hearing, be careful to have all the Proofs taken in the Cauſe, which are important to the points determined, entered by the Regiſter as read; and on drawing up the Decree ſee that ſuch Evidence is mentioned therein as having been read. A neglect of this precaution may afterwards be ſenſibly felt; for if it ſhould be neceſſary at any future time to re-hear the Cauſe, the Court will not permit any other Evidence to be read on that occaſion than what appears to be entered in the Decree as having been read on the firſt Hearing.—But ſee on this ſubject the following caſes, Thompſon *v.* Waller, Prec. Chan. 295. Needham *v.* Smith. 2 Vern. 464. Rawlins *v.* Powell, 1 Williams, 300. Hodges *v.* Cardonnell, 2 Atk. 408. Button *v.* Price, Prec. Chan. 212.

† The Notice muſt be given to the Solicitor, and may be to the following Effect:

"Mr. *P.* *A.* againſt *B.*

"The Regiſter will paſs this Decree on Friday next, at 12 o'Clock.

"Your's, &c. *G. H.*

Plaintiffs' Solicitor, 4th February, 1787."

When the Decree has been entered, a Copy of the Title and Ordering Part thereof ſhould be left with the Maſter, to whom by the Decree the Cauſe is referred. The inquiries directed to be made by him differ in almoſt every Decree; it is impoſſible, therefore, to meet every Caſe which may ariſe in the exerciſe of his duty, or to furniſh any particular ſet of Rules or Inſtructions for the Solicitor's guide before him. A perfect knowledge of theſe Proceedings can only be obtained by a very extenſive Practice. We ſhall therefore confine ourſelves to the directions generally contained in Decrees for the diſtribution of Property under Wills; and give ſuch Inſtructions to the young Solicitor as will enable him, in addition to his own obſervation and experience, to conduct any Cauſe through the Maſter's Office ſimilar in its Directions to that of which the Bill of Coſts is here given.

EASTER TERM, 1787.

A COPY of the Ordering Part being taken to the Maſter's Office, the Clerk will, before it is left, require to examine it with the Decree. The uſual Advertiſement for Creditors may be then beſpoke, which will be delivered to the Solicitor by the Maſter's Clerk, immediately after it has been ſigned by the Maſter; it muſt then be left with the Printer of the Gazette for inſertion. It is now generally required that the Advertiſements ſhould likewiſe be inſerted in ſome of the public News-papers, a meaſure in which the public convenience is peculiarly intereſted.

Where Infants are Parties to the Suit, and intereſted in the event of the Inquiry directed to be made by the Maſter, he will expect Interrogatories to be left for the Examination of the Defendants, the Executors, touching their Receipts and Payments on account of their Teſtator's Eſtate, and any other facts and circumſtances reſpecting which an Inquiry is directed by the Decree, and which muſt neceſſarily be within their knowledge. As the Interrogatories for the diſcovery or ſtatement of any ſpecial Matter muſt ever be framed according to the circumſtances of the caſe or tranſaction to be enquired into, we have in the following Precedent confined ourſelves to the Interrogatories neceſſary on every occaſion againſt Executors, under the uſual Directions contained in a Decree. At the ſame time it muſt be remembered, that any Defendants in the Cauſe may be examined on Interrogatories, to prove facts

or

or circumſtances within their knowledge; and any Witneſſes may alſo be examined on * Interrogatories to facts or circumſtances ariſing out of the Cauſe. But, as the form of Examination differs, an Explanation of this difference will be given hereafter.

" Between, &c. [*put the Title of the Cauſe.*]

" *Interrogatories* exhibited by the Plaintiffs, before

" Eſq. one of the Maſters of this Honourable Court, for the Examination

" of the Defendants, *A B*, and *C D*, purſuant to the Decree made on the

" Hearing of this Cauſe; bearing date the day of 1787.

" *Firſt Interrogatory.* Have not you, or ſome, and what perſon or perſons, and " who by name, by your order, or for your uſe, or with your knowledge, privity " or conſent, poſſeſſed, received, or got in divers or ſome, and what part or parts, " of the Perſonal Eſtate and Effects of *E F*, deceaſed, the Teſtator in the Pleadings " in this Cauſe named, not ſpecifically bequeathed †? Did not ſuch Perſonal Eſtate, " or ſome, and what part and parts thereof, conſiſt of Money in the public Stocks or " Funds, Money on Bonds and Mortgages, and Notes of Hand, and Bills of Ex- " change, or on any other, and what Security or Securities, Houſehold Goods and " Furniture, and ready Money, or ſome and which of ſuch ſeveral matters and " things; and what other matter and thing, matters or things, did ſuch Perſonal " Eſtate, and every part thereof, conſiſt of; and what was the true and " utmoſt values of each and every particular of ſuch matters and things, and " Perſonal Eſtate? Have not you, or ſome, and what perſon or perſons, and " whom, by your order, or for your uſe, or with your knowledge, privity, or

* But no Witneſs can be examined before the Maſter on Interrogatories to the ſame facts he has before been examined to in chief in the Cauſe, unleſs by Order of the Court on application for that purpoſe. Sawyer *v.* Bowyer, 1 Br. 388. and ſee Sandford *v.* Paul, 3 Br. 370.

But a party who did not examine any Witneſs when the Cauſe was at Iſſue, although the other Party did, may examine before the Maſter, and that, we conceive, without application to the Court for leave to do ſo. See Hough *v.* Williams, 3 Br. 190.

† If in the Anſwer of the Defendant in the Cauſe he has ſtated his receipts and payments up to the time of putting in his Anſwer, the Inquiry will then be of his Receipts and Payments ſince that time, and the words following may be added here and in other places where neceſſary, viz. " beſides the " particulars mentioned in the Schedule to your Anſwer put in to the Complainant's bill in this " Cauſe," and the Interrogatories in other reſpects materially altered.

" conſent,

" conſent, ſold or diſpoſed of ſome, and what part and parts, of ſuch Perſonal " Eſtate and Effects? and for what price and prices, ſum or ſums of Money? and " was or were ſuch Perſonal Eſtate and Effects, and every or any, and what part " and parts thereof, ſold and diſpoſed of for the full and utmoſt value thereof " reſpectively? And what part and parts of ſuch Perſonal Eſtate now remain undiſ- " poſed of; and in whoſe hands, cuſtody, or power is or are the ſame reſpectively? " and what doth the ſame, and every part thereof, conſiſt of? and how and in what " manner is the ſame, and every part thereof, ſecured?—Set forth the particulars " of all and every the matters in this Interrogatory enquired after; and the natures, " kinds, quantities, qualities, and true and utmoſt values of each particular; and " when and where, and how, and in what manner, by whom, and to whom, for what, " and upon what account, all and every of ſuch particulars have been poſſeſſed, re- " ceived, applied, and diſpoſed of, according to the beſt and utmoſt of your know- " ledge, remembrance, information, and belief.

" *Second Interrogatory.* Have you, or any, and what perſon or perſons, and " whom by name, on your account, paid, diſburſed, expended, or allowed any, " and what ſum or ſums of Money, in or towards payment of the Funeral " Expences, Debts, or Legacies of the ſaid Teſtator, *E F*, or otherwiſe on " account of the ſaid Teſtator? Set forth a full, true, and particular account " of all and every ſum and ſums of Money which have been ſo paid, diſ- " burſed, expended, or allowed; together with the times when, the names of the " perſons to whom, and the purpoſes for which, the ſame have been ſo paid, diſ- " burſed, expended, or allowed; and whether all, and every, or any, and which, " of ſuch ſums of Money, which have been ſo paid, diſburſed, expended, or al- " lowed, were juſt and fair Debts, and really and truly owing by or from the ſaid " Teſtator *E F*, at the time of his death, to the ſeveral perſons to whom the ſame " have been ſo reſpectively paid, diſburſed, expended, or allowed; or to any perſon " or perſons, and whom by name.—Set forth a full, true, and particular account of " the matters and things in this Interrogatory enquired after, fully and particularly, " according to the beſt and utmoſt of your knowledge, remembrance, information, " and belief.

" *Third*

" *Third Interrogatory.* Are or is there any parts or part of the Perſonal Eſtate " and Effects of the ſaid Teſtator *E F* now outſtanding, or which have or hath not " been poſſeſſed or received by you, or by any perſon or perſons by your order, or " for your uſe? and why, and for what reaſon, have or hath the ſame been ſuffered " to be and remain outſtanding and unreceived? and how and in what manner is " the ſame outſtanding Perſonal Eſtate, and every part thereof, ſecured, and from " whom due and owing?—Set forth a full, true, and particular account of the " matters in this Interrogatory enquired after, fully and particularly, according to " the beſt of your knowledge, remembrance, information, and belief.

" *Fourth Interrogatory.* Have all the Debts which were due and owing by the " ſaid Teſtator *E F*, at the time of his deceaſe, been paid or ſatisfied? and " when, and by whom, and to whom, have they, and every or any, and which " of them, been paid and ſatisfied? and do any, and which of the Debts which " were ſo due and owing by the ſaid Teſtator, now remain due and owing, and " to whom, and for what, and on what ſecurities or ſecurity, or how otherwiſe?— " Set forth a full, true, and particular account of the matters and things in this " Interrogatory enquired after, according to the beſt and utmoſt of your knowledge, " remembrance, information, and belief."

The Interrogatories need not be ſigned by Counſel; therefore any Fee paid to him for drawing or ſettling them will not be allowed in Coſts between Party and Party.

A Copy of the Interrogatories having been left with the Maſter, a Warrant muſt be taken out thereon, and underwritten as follows:—" The Plaintiffs have left a " Draught of Interrogatories, for the Examination of the Defendants, the Execu- " tors."—Copies * of this, and all other Warrants, together with the Notice at the foot, muſt be ſerved on the Clerks in Court for the Defendants; this is called a Warrant on leaving, and is not to be attended; it is uſed only to give notice to the adverſe Parties, that they may apply for Copies of what is left at the Maſter's. On the return of the Warrant, take out another, which underwrite—" To ſettle the

* Every Warrant muſt be ſerved two days at leaſt before the time required for the Attendance thereon.

" Draught of Interrogatories for the Examination of the Defendants, the Execu-
" tors."—This muſt be copied, and ſerved in the ſame manner as the other. At the return of this Warrant, attend the Maſter, who will proceed on the Subject, if the other Solicitors attend; if they do not attend, another Warrant muſt be taken out, underwritten, and ſerved as the laſt; this is called a peremptory Warrant, and is underwritten as follows:—" Peremptorily to ſettle the Draught of Interrogatories
" left for the Examination of the Defendants, the Executors."—On the return of this Warrant, the Maſter will adminiſter an oath to the Perſon who ſerved all the Warrants, of the ſame having been duly ſerved on the Defendants' Clerks in Court, or their Agents, at their ſeats in the Six Clerks' Office, and will proceed on the buſineſs of the Warrant ex parte. If all the Solicitors attend on any of the Warrants, the Maſter will proceed thereon; and Warrants muſt be taken out and ſerved in the above manner, until the ſubject is fully gone through and ſettled. On every attendance the Maſter marks in his Book the names of the Solicitors who attended, and no other Attendances than thoſe ſo marked will be allowed in Coſts. It is therefore neceſſary for the Solicitor to be careful that his Attendance is marked, leſt the Maſter ſhould omit to do it in the hurry of buſineſs.

This Explanation of the manner of taking out Warrants, the Service thereof, and Attendance thereon, will be a ſufficient guide to the young Practitioner through the whole Proceedings. We ſhall remark any difference (which will principally conſiſt in the Notice at the foot of the Warrant) as we proceed.

The Interrogatories being ſettled, the Maſter's Clerk engroſſes them on parchment, with a 2*s.* 6*d.* ſtamp, and the Maſter ſigns a Certificate of having allowed them; this * Certificate ſhould be filed at the Report Office.

To haſten the Defendants in the preparing and putting in their Anſwers or Examination to the Interrogatories, it may be neceſſary to take out a Warrant for them to bring in their Examination; this Warrant is thus underwritten:—" At
" which time the Defendants, the Executors, are to bring in their Examination." The Maſter, on the requeſt of the Defendants, will indulge them with a reaſonable

+ To this, as well as every other Certificate, or Report of the Maſter; Exceptions may be taken and argued in Court. For the manner of taking Exceptions, ſee hereafter.

time

time to prepare their Examination, or they may procure an Order for a month's time forthat purpoſe, on Application to the Court by Motion, or by Petition at the Rolls: but if, after the Service of three Warrants to bring in the Examination, and after the time with which the Maſter or the Court may think fit to indulge the Defendants is expired, they make default in putting in their Examination, the Maſter, on the uſual Affidavit of the Service of the three Warrants, will give his Certificate that the Examination is not put in, which muſt be filed, and an Office Copy had; whereupon a Motion may be made to the Court, "that the Defendants "may put in their Examination within four days, or ſtand committed." It is uſual to make part of the Application "that Service of the Order on the Defendants' "Clerk in Court may be deemed good Service," which will be ordered; otherwiſe the Order muſt be ſerved perſonally on the Defendants. The Order being drawn up and ſerved, if the Defendants do not put in their Examination within the time limited by it, the Maſter will give another Certificate of their Default; which being filed, and an Office Copy had, a Motion may be made to the Court on ſuch Certificate, and an Affidavit of the Service of the former Order, for a Serjeant at Arms againſt the Defendants, for their Contempt. Draw up the Order; give the ſame to the Serjeant at Arms, who will procure a Warrant, and take the Defendants into Cuſtody; where they muſt remain until they have put in their Examination, and cleared their Contempt, by paying the Coſts occaſioned thereby.

TRINITY TERM, 1787.

ON the coming in of the Examination, a Copy is made thereof by the Maſter's Clerk, on treble penny ſtamped paper, for the Plaintiffs' Solicitor, and ſuch other of the Solicitors whoſe Clients are intereſted, and require it: the charge is 11*d.* per folio. On this Examination the Party who left the Interrogatories may ground any of his ſubſequent Proceedings in taking the Accounts, and aſcertaining the Facts for the diſcovery of which the Interrogatories were framed.

The Examination ſhould be carefully peruſed, and compared with the Interrogatories, in order to ſee that they are fully anſwered. If the Examination ſhould appear inſufficient, or not fully to anſwer the Interrogatories, an Application muſt

be made to the Court by Motion, or to the Maſter of the Rolls by Petition, praying that the Interrogatories and the Examination may be referred to the Maſter*; on which an Order will be made as prayed, which muſt be drawn up and entered at the Regiſter's Office, ſerved on the Defendants' Clerk in Court, and left with the Maſter, who will thereupon grant a Warrant to proceed on the reference to him upon that point. If the Defendants' Solicitor does not attend the firſt and ſecond Warrant, the third Warrant is peremptory; and on the Service being proved on Oath, the Maſter will proceed ex parte. If the Defendants' Solicitor attends, the Maſter hears both Parties; and the Plaintiffs' Solicitor, reading to the Maſter the Interrogatories which he conceives not to be anſwered, the Defendants' Solicitor muſt ſhew from the Examination that they are anſwered, or in default thereof the Maſter will report the Examination inſufficient to ſuch points as he may be of opinion are not anſwered. This Report ſhould be filed in the Report Office, and the Defendants muſt put in their further Examination; which if defective, may likewiſe be referred to the Maſter, and the ſame Proceedings will take place thereon as before. On three inſufficient Examinations, the Plaintiffs may apply to the Court by Motion, that the Defendants may ſtand committed; upon which a Meſſenger may be applied for to apprehend them, who will take them to the Fleet Priſon; where they muſt remain until they have put in a full Examination, and cleared their Contempt.

The ſecond Advertiſement for Creditors to come in and prove their Debts may be had from the Maſter about a month or ſix weeks after the inſertion of the firſt in the Gazette. The ſecond Advertiſement is called a peremptory Advertiſement, from its terms, and aſcertaining the time againſt which the Creditors muſt bring in and ſubſtantiate their Claims before the Maſter. But although the time mentioned in this Advertiſement ſhould be expired, the Maſter will indulge the Creditors by proceeding on their Claims at any time before his Report on the matters referred to him is prepared. The Solicitor ſhould furniſh himſelf with the Gazettes, to ſhew that the Advertiſements have been inſerted; and ſome of the Maſters require that theſe Gazettes ſhould be left and filed in their Office, that they may be referred to in caſe of neceſſity.

* To look into the Examination, and into the Interrogatories, and certify whether the Examination be ſufficient or not.

In

In addition to the Examination, any party may compel the production of all Books, Papers, &c. where a direction for that purpoſe is contained in the Decree; to do which a Warrant muſt be taken out, and underwritten as follows:—" At which time the Defendants *A* and *B* are to produce and leave with me all Books, " &c." (following the words of the Decree, or ſo much as is neceſſary for the purpoſe). On three Warrants being had and ſerved, † the Books and Papers required muſt be left by the Defendants, with an Affidavit of their being all that are in their * cuſtody or power, or that they ever had; in default of which, the Maſter will grant a Certificate, and the Plaintiffs may thereon apply to the Court by Motion, that the Defendants may within four days bring in and leave with the Maſter the Books and Papers required, or in default thereof that they may ſtand committed; and the Plaintiffs may make it a part of the Application, that Service of the Order on the Defendants' Clerk in Court may be deemed good Service, otherwiſe perſonal Service of the Order on the Defendants will be required. If the Defendants neglect to comply with this Order, then, on another Certificate from the Maſter, of the Defendants' default, they may be puniſhed for their Contempt in the manner before ſtated.

When the Defendants have left in the Maſter's Office the Books and Papers required, an Office Copy of the Affidavit made on leaving them muſt be had, in order to ſee what is left, and that the Affidavit is ſufficient. If it ſhould be neceſſary to inſpect the Books and Papers left, a Warrant muſt be had, and ſerved, underwritten, " To inſpect the Books and Papers left;" but the Maſter will not permit an Inſpection on the firſt or ſecond Warrant, unleſs the Defendants' Solicitor attend thereon. On the third Warrant, the Inſpection will be permitted in the abſence of the Defendants' Solicitor, on proof of the Service of the three Warrants. If the adverſe Solicitor attend on the firſt or ſecond Warrant, and there ſhould be occaſion for another Inſpection, the Maſter will allow it to be had on the third, or any ſubſequent Warrant for that purpoſe, although the adverſe Solicitor ſhould not attend.

† But the Maſter will, at the requeſt of the Defendants, grant ſuch further time for the production as may appear to him neceſſary, from the circumſtances of the caſe.

* The Defendants may except ſuch papers as will be neceſſary to produce as Vouchers in the Account, and need not leave them with the Maſter.

Having all the Materials to prepare the Charge againſt the Defendants, the Executors, if the Decree directs that the Maſter ſhall in taking the Accounts diſtinguiſh what is Principal of the Teſtator's Perſonal Eſtate, and what Intereſt thereof, it will be neceſſary for the Solicitor to make that diſtinction in the Charge; and as it frequently happens that the Executors have made no ſuch diſtinction in their Accounts, a very laborious calculation may be neceſſary to aſcertain it. It is to be remembered, that all Monies which became due in the Teſtator's lifetime, and which remained owing to him at his death (although a part thereof might have been Intereſt on his Mortgages, Bonds, or other Securities) muſt be conſidered as Principal; the Intereſt to be aſcertained purſuant to the Decree being ſuch only as hath accrued due on the Mortgages, Bonds, and other Securities, and on the Teſtator's Perſonal Eſtate, put out to Intereſt by his Executors ſincehis deceaſe.

The Charge is taken from the Schedule in the Defendant's Examination, or from his Anſwer in the Cauſe, or both *. It muſt be copied for the Maſter, and left

* The Charge is drawn in the following manner:

Between *A B*, &c. &c. [*put the Title of the Cauſe.*]

The Plaintiffs' Charge againſt the Defendant *A*, for the Perſonal Eſtate of the Teſtator *B*, come to his hands.

1784.	PRINCIPAL. £. s. d.	INTEREST. £. s. d.
February 1. Caſh received of Mr. John Wright, a Debt due to the ſaid Teſtator — — — — — — — — — — — —	67 4 2	
——— 9. The like of Mr. William Gordon — — — — — —	90 0 0	
——— 21. Caſh received of Mr. Richard Graham, Intereſt on his Mortgage for £. up to the Teſtator's death — — — —	15 8 9	
The like from the Teſtator's death to the 25th of December laſt, being four months and ſixteen days — — — — — — — — — —		5 6 7
March 4. Caſh received of Mr. Thomas Stiles, Intereſt on his Bond for £. 400 up to the Teſtator's death — — — — — — — —	13 5 4	
Caſh received, the Principal on ditto — — — — — — —	400 0 0	
Received Intereſt thereon, from the Teſtator's death, being four months and 28 days — — — — — — — — — — — — —		8 4 0

And in this manner go through all the items in the Schedule to the Defendants' Examination, where he charges himſelf with the money he has received. The diſtinction of Principal and Intereſt in two columns is never taken, unleſs directed by the Decree.——N. B. The Examination is not the only Evidence to charge an Accounting party, in caſe of any omiſſion the Maſter will receive other Evidence to prove it, as Entries in the Parties Books, &c. &c.

at

at his Office, a Warrant being taken out at the time of leaving the ſame, which muſt be ſerved on the Defendants' Clerk in Court, and underwritten as follows:—"The Plaintiffs have left their Charge againſt the Defendant *A*, for the Perſonal "Eſtate of the Teſtator, received by him." Every other Warrant on the Charge muſt be underwritten—"To proceed (or peremptorily to proceed, as the caſe may be) on the Plaintiffs' Charge againſt the Defendant *A*." On attending the Maſter, the Plaintiffs' Solicitor reads to him, from the Examination, the articles which compoſe the Charge; and he having gone through the ſame, marks the Charge allowed. This may be the ſubject of Attendance on ſeveral Warrants.

The Proceedings on the Charge againſt the other Executor are exactly ſimilar.

When the Charges have been allowed, unleſs the Defendants bring in their Diſcharge immediately, a Warrant may be taken out to compel them ſo to do. Three Warrants are granted, before the Maſter will certify a Default. The Warrants ſhould be underwritten as follows:—"At which time the Defendants *A* and *B*, the Executors, are to bring in their Diſcharge." The third Warrant is peremptory, and ſhould be ſo underwritten. When the Defendants have brought in their Diſcharge, take a Copy thereof, and attend the Warrants taken out by the Defendants thereon. If the Defendants' Solicitor does not proceed with that expedition which the Rules of the Office permit, the Plaintiffs' Solicitor may take out Warrants, and ſerve the Defendants' Clerk in Court therewith *. Theſe Warrants ſhould be underwritten—"To proceed on the Defendant *A*'s (or *B*'s, as the caſe may be) "Diſcharge." When the Warrant on the Diſcharge is attended, the Maſter will require the Defendant to produce † Vouchers for all his payments above 40*s*.; all ſums not exceeding 40*s*. will be allowed from the Examination ſtating them to have been paid, unleſs it appears to be a payment for which a Receipt ought to have

* Either Party may take out Warrants to proceed on any ſubject before the Maſter, without regarding which Party furniſhes him with the ſubject on which the Proceedings are had.

† This Practice ariſes from the Rule that no Perſon's Oath on Admiſſion is Evidence for himſelf, though it may be uſed againſt him; the Defendant's Examination is not Evidence for himſelf, nor can he read any part of it as Evidence for himſelf, unleſs the Plaintiff reads a part of an Anſwer to a Specific Interrogatory as Evidence, in which Caſe the Defendant may inſiſt on the remainder of that particular Anſwer being read for him.

been taken; but ſuch payments are ſeldom diſputed, when they are properly ſtated in the Examination, and are not numerous.

Enough has been ſaid on the mode of proceeding before the Maſter, to render it unneceſſary to explain the Proceedings on Claims of Debts, Legacies, &c. Copies * muſt always be taken of them, and if any objections appear to the Claims, theſe objections muſt be urged to the Maſter, upon an Attendance on the Warrants taken out for that purpoſe, who will allow, diſalow, or make ſuch alterations in the Claim as may appear to him neceſſary. If any Party ſhould be diſſatisfied with the Maſter's Determination, ſuch Party may afterwards have the Opinion of the Court thereon, by taking Exceptions to the Maſter's General Report †. The method of doing this will be hereafter explained.

The Claims of Creditors may be inveſtigated before the Maſter, either by a general ſet of Interrogatories, for the Examination of every Creditor who brings in his Claim, or by a particular ſet of Interrogatories, to meet the Caſe of a particular Creditor. If a particular ſet of Interrogatories are left for the Examination of one Creditor, doubts have been entertained, whether thoſe Interrogatories muſt be ſettled by the Maſter in the uſual way, in which caſe the Creditor's Solicitor will be intitled to a Copy of the Interrogatories and to attend the Maſter on the Settlement thereof, and to draw and put in the Examination; or whether the Defendant is to be examined by the Maſter's Clerk, from engroſſed Interrogatories, left for that purpoſe. I am inclined to think that the Interrogatories muſt be ſettled by the

* As theſe Claims are frequently left by the Creditors' Solicitors, in conſequence of the Advertiſement in the Gazette, they are generally ſtrangers to the Cauſe, and unacquainted with the names of the Clerks in Court concerned therein, on whom the Warrants to proceed on ſuch Claims muſt be ſerved. To remedy an inconvenience frequently experienced from ſuch a Circumſtance, the Plaintiffs' Solicitor ſhould write on the ordering Part of the Decree left with the Maſter's Clerk the names of all the Clerks in Court in the Cauſe on whom it is neceſſary that ſuch Warrants ſhould be ſerved.

† Or if the Party diſſatisfied is deſirous of an immediate determination, he may apply to the Court, that the Maſter may make a ſeparate Report on the Matter ſo determined on. The Application being granted, and the Report made in conſequence, the Opinion of the Court may be had thereon immediately, by taking Exceptions to the Report, and ſetting the ſame down for argument. Sometimes the Opinion of the Court may be had in a more ſummary way, on a Motion properly adapted to the Caſe.

Maſter

Maſter as uſually done on the Examination of a Party in the Cauſe; the Creditor by making his claim, and coming in under the Decree, being conſidered in relation to the Cauſe, a Party to it. But if it is found neceſſary to examine any Witneſſes, either for or againſt the Creditor's claim, ſuch Witneſſes certainly ſhould be examined in the uſual way, for which ſee hereafter. A Creditor or other Claimant may take exceptions to ſo much of the Maſter's Report, as relates to his Debt or Claim, and ſometimes will be driven to the neceſſity of eſtabliſhing his Claim by the Verdict of a Jury, in an Action brought againſt the Executors for that purpoſe. But if an * Action is brought againſt the Executors by a Creditor, without leave of the Court, the Executors may file a Bill againſt the Creditor for an Injunction to reſtrain his proceedings at Law, which the Court will order, on application of the Executors in ſuch new Suit, without waiting for the Anſwer of the Creditor.

Where the Decree directs an Enquiry to be made reſpecting the Maintenance of Infants, and what is proper to be allowed for that purpoſe, and it is neceſſary to obtain ſuch Allowance before the Maſter has made his General Report in the Cauſe, and there is no direction in the Decree for the Maſter to make a ſeparate Report; an Order muſt be obtained that the Maſter may be at liberty to make a ſeparate Report of the Perſonal Eſtate, &c. and what is proper to be allowed for Maintenance of the Infants. A Notice muſt be given of the Motion intended to be made to the Court for that purpoſe (a form of this Notice is inſerted in the Appendix, under the title of "Notices of Motion," N° 2); an Affidavit of the Service thereof on the reſpective Clerks in Court made and filed, and an Office Copy obtained to read in Court, on the Motion, in caſe the Defendants ſhould not appear. Prepare a Brief, which ſhould ſtate ſhortly the manner in which the Plaintiffs, the Infants, for whom Maintenance is required, are entitled; and to what property in the Suit, or otherwiſe; and likewiſe include a ſhort Statement of the Purport of the Decree. Give a Fee to Counſel according to the length of the Brief; and attend the Court on the Motion being made, with the proper Papers to be read in Support of the Motion. If the Court makes the Order as prayed, leave the Brief with the

* In Goate *v.* Fryer, the Court decided, that on an Action againſt an Executor, after a Decree an Injunction ſhould iſſue to ſtay trial as well as Execution; but if the Action be brought *before the bill is filed*, and the Creditor chooſes to diſcontinue he ſhall be allowed to prove his Coſts at Law in addition to his debt. 3d Br. 23.

Regiſter,

Regiſter, who will draw up the Order, which muſt be entered; and if the Defendants did not appear on the Motion, it ſhould be ſerved on their Clerks in Court; but if they did appear, it will not be neceſſary to ſerve the Order, as they muſt have heard it made, and therefore are not ſuppoſed to require any further information upon the ſubject. But a fair Practiſer will in every Caſe ſerve the Order, whether the adverſe Parties appeared or not.

The Order ſhould be left with the Maſter, who will prepare his Report according to its directions, previous to which a State of Facts, and Propoſal for the Maintenance of the Infants, ſhould be left with the Maſter, the form whereof muſt ever depend upon the particular ſituation of the Children, their ages, fortune, &c. If their Father wants a Maintenance for them, it will be granted only in the caſe where he is not of ability to maintain them without that aſſiſtance, although directed by the Will *; for a Father is bound to maintain his Infant Children if he is able ſo to do; † nor will he be entitled to any Maintenance for the time paſt, but from the date of the Report only. When a Father is deſirous of having a Maintenance allowed for his Children out of their Fortunes, it is always a direction in the Decree, that the Maſter ſhall enquire, and ſtate to the Court, " Whether *the Father* " *of the Infants is in circumſtances and of ability to maintain and educate his Infant* " *Children ſuitable to their fortunes;* and in caſe the Maſter ſhall find he is *not*, then " the Maſter is to conſider what is proper to be allowed for the Maintenance and " Education of the Infants *for the time to come*; and the Maſter is to ſtate the ſame, " with his Opinion thereon, to the Court; and thereupon ſuch further Order ſhall " be made relating thereto as ſhall be juſt."

The extent of the Allowance is regulated by the age, fortune, and the manner in which the Infants have been hitherto educated. The facts ſtated (which are not verified by any other proof in the Cauſe, ſuch as the Examination, &c.) ſhould be verified by Affidavit. When the Propoſal and Affidavit are left, Warrants muſt be taken out and ſerved, underwritten—" The Plaintiffs have left a State of Facts, " and Propoſal for the Maintenance of the Plaintiffs, the Infants," as the caſe may happen to be, and the other Warrants underwritten to proceed on the ſame.

* Hughes *v.* Hughes, 1 Br. 387. † Same Caſe, and Hill *v.* Chapman, 2 Br. 231.

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The Maſter having prepared a Draught of his ſeparate Report, take a Copy thereof, and carefully peruſe it; make ſuch alterations therein as may be neceſſary, and repreſent them to the Maſter when he is attended on the ſettling the ſame. Take out a Warrant, which underwrite—"The Maſter has prepared a Draught of his ſeparate Report." Other Warrants muſt be taken out to proceed thereon, all of which muſt be ſerved on the Clerks in Court for the adverſe Parties. When the Draught of the * Report is ſettled, the Maſter's Clerk will tranſcribe it; and a Warrant muſt then be taken out, and underwritten—"At which time the Maſter will ſign his ſeparate Report;" on its being ſigned, it muſt be filed in the Report Office, and an Office Copy had. Then, in order to obtain the effect of theſe Proceedings, a Petition ſhould be preſented, praying that the Report may be confirmed, and that the Allowance ſtated therein may be made for the Maintenance and Education of the Infants.

The Petition muſt ſtate the Title of the Infants to the Property out of which the Allowance for Maintenance is prayed, and as much of the Decree and Report as is neceſſary. It may be preſented either to the Lord Chancellor or Maſter of the Rolls, in time to be heard on the firſt Petition-day after. The Lord Chancellor appoints a day for hearing Petitions preſented to him, in the Seals both before and after the Term. The Maſter of the Rolls hears Petitions preſented to him at the Rolls the evening before the firſt, and the morning after the laſt day of Term; and he uſually appoints another day or two for the like purpoſe, between the Seals after Term. With the Petition muſt be left a Copy of it. The Petition being anſwered, will be ſet down in the Paper of Petitions, and be heard in its turn. Copies of the Petition, as anſwered, ſhould be made, and ſerved on the Clerks in Court for the adverſe Parties, and an Affidavit thereof made, to be read in Court in caſe they ſhould not appear on the Hearing. A Brief of the Petition being delivered to Counſel, attend on the Hearing, with the Decree, Report, and other Papers † neceſſary to be read in ſupport of the Petition; and the Order will be

* No Exception will lie to a Report for Maintenance. Exple Nicholls, 1 Br.

† Such as the Probate of the Will, or other Inſtrument, which ſhews the Title of the Infants to the Property out of which the Maintenance is prayed; and if the ſum allowed for Maintenance is to come out of Money in the Accountant General's name in the Cauſe, his Certificate of the amount of the Fund muſt be had, which beſpeak at his Office a day or two before the Petition-day.

made as prayed, unleſs the Court ſhould be of Opinion that the Allowance is too great, or ſome Informality appears. The Order made will be drawn up at the Regiſter's Office, on the Petition being left with the Regiſter for that purpoſe. It muſt be paſſed and entered; and ſuch directions as are made for Transfers or Accounts to be kept at the Accountant General's Office, muſt be complied with, for which purpoſe the Order muſt be left at his Office, and Inſtructions given therewith. When the Order directs a Sale of any part of the Stock, a Certificate thereof muſt be had from the Regiſter, ſigned by him, and left with the Accountant General, without which he cannot make a Sale. If any Monies are directed to be carried over to a particular Account, the Accountant General will carry the ſame over in his Books, and will give a Certificate thereof, which his Clerk files in the Report Office, and delivers the Solicitor an Office Copy thereof, who pays for it according to its length. For a Sale of Stock, and for every other act done by the Accountant General purſuant to an Order, a Certificate is given, and filed at the Report Office.

While preparations are making to hear the Petition for a Maintenance for the Infants, the Proceedings before the Maſter on the remaining Enquiries directed by the Decree may be going on. A Charge againſt the Defendant who has received the Rents of the Eſtates may be carried in before him: this muſt likewiſe be prepared from the Examination. A Warrant on leaving, and the uſual Warrants to proceed, muſt be had thereon, and ſerved on the Defendants' Clerk in Court. On attending the Warrants, the Evidence in ſupport thereof is read from the * Examination; and when gone through, the Maſter marks the Charge allowed; and if the Defendant does not take in his Diſcharge, Warrants to compel him ſo to do ſhould be obtained, and ſerved on his Clerk in Court. When the Diſcharge is left (which will conſiſt principally of the Allowances made the Tenants for Taxes, Repairs, &c.) a Copy thereof muſt be had, and the Warrants thereon attended.

When by the Decree any Enquiries are directed to be made, the Anſwers to which cannot from their nature be had from the Parties to the Suit, or any Evidence already given in the Cauſe, it will be neceſſary to examine Witneſſes to obtain the proper information. This Examination muſt be on Interrogatories, which are not ſettled by the Maſter (as is always the caſe where the Interrogatories are for the Examination

* Or the Defendants' Anſwer in the Cauſe.

tion of any of the Parties in the Cauſe). The Interrogatories for the Examination of Witneſſes muſt be ſettled and ſigned by Counſel, and therefore it is moſt adviſeable that Counſel ſhould alſo draw them. When prepared, they muſt be engroſſed on Parchment, with a 2*s.* 6*d.* Stamp, and left with the Maſter's Clerk, who will examine the * Witneſſes, and afterwards deliver Copies of the Examination to the Solicitors in the Cauſe, who require them.

When it is neceſſary to examine on Interrogatories any Witneſſes who reſide in the country, a Commiſſion may be had for that purpoſe, on the Maſter's Certificate being obtained that ſuch Commiſſion is neceſſary, which he will grant on being ſatisfied of the fact. The Commiſſion is made out by the Clerk in Court, who will get the ſame iſſued without any Order for that purpoſe, where the Parties join in Commiſſion, that is, furniſh their Clerks in Court with names to be inſerted in the Commiſſion, to whom the Execution thereof is delegated. If the adverſe Party declines joining in Commiſſion, an Order from the Court muſt be obtained, which will be granted of courſe on a common Motion. Leave the Brief and Office Copy of the Maſter's Certificate with the Regiſter, who will draw up the Order; then enter and ſerve it on the Defendants' Clerk in Court, and leave the Order with your own Clerk in Court, who will call for Commiſſioners names; and in default of being furniſhed with names by the adverſe Clerk in Court, will make out the Commiſſion to the Plaintiffs' Commiſſioners, and in that caſe the Defendants will not be permitted to examine any Witneſſes under the Commiſſion.

The Interrogatories muſt be engroſſed on Parchment, with a 2*s.* 6*d.* Stamp, and the Witneſſes examined thereon by the Commiſſioners.

MICHAELMAS TERM, 1787.

THE Commiſſion being returned executed, the bearer thereof, if a Commiſſioner named therein, may leave it with the Plaintiffs' Clerk in Court, and no

* A Witneſs cannot be examined before the Maſter to the ſame Matter to which he has been examined in Chief in the Cauſe, without an order to be obtained on ſpecial application. Sawyer *v.* Bowyer, 1 Br. 388. Sandford *v.* Paul, 3 Br. 370.

Oath is required from him; but if the bearer of the Commiſſion ſhould not be a Commiſſioner, he muſt be ſworn before a Maſter in Chancery that he received it from a Commiſſioner, and that it has not been opened, or out of his cuſtody ſince, —this is uſually done at the Public Office. Give notice to your Clerk in Court of the Commiſſion being returned, that he may procure and file it in the Six Clerks' Office, from whence Office Copies will be delivered by the Clerks in Court to ſuch of the Solicitors as require them.

The Evidence obtained by the Examinations may be uſed in ſupport of any Charge or State of Facts, which it may be found neceſſary to lay before the Maſter by any Party in the Cauſe in the Proceedings before him, on the directions contained in the Decree.

Where the Maſter is directed to enquire of what Real or Chattel Eſtate the Teſtator died ſeiſed or poſſeſſed; and if any Copyhold, whether the ſame has been ſurrendered to the uſe of his Will, a State of Facts to anſwer theſe Enquiries muſt be prepared, and left with the Maſter, and Warrants muſt be taken out and ſerved, until the buſineſs is ſettled. If the State of Facts is diſputed, the Maſter will require Proof to ſubſtantiate it, which may be read either from the Pleadings or Evidence in the Cauſe, or the Proceedings already before him, if ſuch Proof can be collected from them; if not, he will require Interrogatories to be exhibited for the Examination of Witneſſes, or of any Party in the Cauſe. He may ſometimes be ſatisfied with an Affidavit, or other written Teſtimony applicable to the ſubject. Every State of Facts is thus proceeded on before the Maſter.

A Particular of the Eſtates to be ſold muſt be prepared, as ſoon as the Proceedings in the Cauſe, and the Deeds, Papers, and other Information obtained, will enable the Plaintiffs' Solicitor to do ſo. As a general Inſtruction to the Solicitor in this ſtage of the Cauſe, it may be neceſſary to obſerve, that in drawing the Particular for the Sale of the Eſtates, regard ſhould be had to that form which will beſt anſwer the intended purpoſe; namely, the deſcribing and allotting the Eſtates in ſuch a manner as will be moſt likely to bring Purchaſers; for which purpoſe it may be adviſeable to conſult ſome Surveyor of eminence, whoſe Charge in the Buſineſs, if the Eſtate is conſiderable, will no doubt be allowed by the Maſter in Coſts: But

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any exaggerated or fanciful deſcriptions, (ſuch as are ſometimes ſeen in the Advertiſements of Auctioneers) will not be permitted.

The Particular being allowed by the Maſter, the Advertiſements for the Sale may be had. The firſt Advertiſement is general, informing the Public that ſuch Eſtates are to be ſold before the Maſter, but mentioning no time for the Sale. The Solicitor may draw the Advertiſement, or the Maſter's Clerk will do it for him, and procure the Maſter's Signature, to authorize an inſertion by the Printer of the Gazette. If the Eſtates are well known to the Plaintiffs' Solicitor, and there is no diſpute as to the particular Eſtates which are to be ſold, the firſt Advertiſement for the Sale may be applied for, and inſerted in the Gazette, in a much earlier ſtage of the Proceedings. About a month after the inſertion of the firſt Advertiſement, take out a Warrant to fix a time for the Sale of the Eſtates, and ſerve it on all the Parties' Clerks in Court. The Warrant being attended, the Maſter will fix a time, with the approbation of all parties; and the ſecond Advertiſement may then be had, and inſerted in the Gazette. It will be proper to have the Particular printed, and a ſufficient number left at the Maſter's Office, as well as at the ſeveral towns, and other convenient places adjacent to the Eſtates intended to be ſold; the Advertiſement ſhould likewiſe be inſerted in ſome of the News-papers in town, and in the country.

When the Decree directs the Coſts of all Parties, up to the Hearing of the Cauſe, to be taxed and paid out of the Eſtate, it will be proper to take an early opportunity, when the general Proceedings before the Maſter will permit it, to procure the Coſts of all parties to be brought in before him, and taxed. For that purpoſe take out a Warrant for all Parties to bring in their Coſts up to the Decree, and prepare your own Bill.

HILARY TERM, 1788.

ATTEND the Sale of the Eſtates at the Maſter's Chambers, at the time appointed for that purpoſe. The Sale is conducted in the following manner:—The Maſter's Clerk prepares a Paper, on which the Biddings for the different Lots are

to

to be marked. The Lot is put up at a price offered by ſome one preſent, who ſigns his name to the ſum which he offers on the above Paper; every other Bidder does the ſame, paying 2*s*. 6*d*. to the Maſter's Clerk at each Bidding, until no Perſon will advance on the laſt Bidder, who is then declared the Purchaſer. Thus are all the Lots ſold. If any ſhould remain unſold for want of Bidders, they muſt be again advertiſed for Sale.

Each Purchaſer procures a Report from the Maſter, of the Lot or Lots he has purchaſed, which being filed, he applies to the Court (by Motion *) that the Purchaſe may be confirmed; and if the Parties in the Cauſe are ſix or more, an addition may be made to the Motion, that Service of the Order on the Clerks in Court for the Parties in the Cauſe may be deemed good Service. On a ſuggeſtion that the Parties are many in number, and live remote from each other, a Direction to that Effect will be made part of the Order. The Order made on this Application, is an Order Niſi, that is, confirming the Report of the Purchaſe, unleſs Cauſe be ſhewn againſt the ſame in eight days after Service. † When the Parties in the Cauſe do not exceed ſix, the Permiſſion to ſerve the Order on their Clerks in Court will not be granted; and in that caſe it muſt be ſerved perſonally on the Parties. If no Cauſe ſhould be ſhewn within eight days after Service of the Order Niſi, the Purchaſer will apply to the Court to confirm the Report abſolute, on an Affidavit of the Service of the Order, and a Certificate (to be obtained from the Regiſter, by Application to the Entering Clerk) of no Cauſe having been ſhewn, which will be done of courſe. The Purchaſer is now entitled to a Conveyance, on Payment of his Purchaſe Money.

When any Perſon is deſirous of advancing on the ſum offered by the higheſt Bidder for the Lot on which the Order Niſi has been obtained to confirm the Report of the Sale, he muſt apply to the Court, before the Report of Purchaſe is abſolutely confirmed ‡, to open the Biddings before the Maſter for that Lot. This is done by a Motion, ſtating the advance offered. Notice of the Motion muſt be

* No Notice of the Motion neceſſary.

† Sed quere.—I have ſeen this Order otherwiſe.

‡ But under very ſpecial circumſtances the Court will, on application, within a reaſonable time open the biddings. See the Caſe of Watſon *v.* Birch, 4 Br. 172.

given

given to the Perſon reported the Purchaſer of the Lot, and to the Parties in the Cauſe, in the uſual manner. If the Court approves of the ſum offered, the Application will be granted, and on the Order being drawn up, entered, and ſerved, a ‡ new Sale muſt be had *before the Maſter*. This Application is conſidered as Cauſe ſhewn againſt the Order obtained by the Purchaſer for confirming the Maſter's Report, and in conſequence he is no longer conſidered as the Purchaſer, but the perſon applying to open the Bidding will be ordered to pay the Coſts of the firſt Purchaſer.

Should the Eſtates be abſolutely ſold, by the Report of the Sale being confirmed, and ſhould the Purchaſer be willing immediately to pay into Court his Purchaſe Money, and to take a Conveyance §, it may be proper to carry in before the Maſter a further Charge for Rents and Profits of the Eſtates againſt the Defendant in receipt thereof, from the period up to which the Allowances were made in the former Charge to the time when the Purchaſer is let into Poſſeſſion; this further Charge being allowed, the Defendant muſt take in his Diſcharge in conſequence thereof.

When all the Directions in the Decree have been anſwered by the Proceedings before the Maſter thereon, in the mode here ſuggeſted, he will prepare a Draught of his General Report, of which each Solicitor whoſe Client is intereſted therein will take a Copy. A great deal of attention is now requiſite, that the Queſtions which

‡ In which Sale the Perſon who procures the Biddings to be opened will be conſidered as a Bidder at the ſum offered by him on his Application to the Court to open the Biddings; and if no other Perſon advances on ſuch offer, he will be conſidered as the Purchaſer. The Court, on opening the Biddings, will ſometimes make it the Terms of the Order that a Depoſit ſhall be paid into Court.

§ When any diſpute ariſes, either upon the Title to the Eſtates, or on the Draught of the Conveyance to the Purchaſer, which cannot be ſettled amicably by the Parties, the Court muſt be applied to by Motion, who will refer the diſputed matter to the Maſter. The Purchaſer may at any time apply to the Court by Motion for leave to pay into the Bank the Purchaſe Money, and to be let into poſſeſſion of the Eſtates purchaſed, and into the Receipt of the Rents thereof from the quarter-day preceding his application; ſee form of this Notice, under title "Notices of Motion," N° 6; but it behoves him, previous to his making ſuch Application, to be perfectly ſatisfied with the Title to the Premiſes purchaſed, for the Motion is made upon that ſuggeſtion, and will be ſo ſtated in the Order made on the Application.

have been agitated before the Maſter, his Determinations or Opinions thereon, and the Proceedings in general had before him in the Cauſe, may be ſo ſtated that the Intereſts of all the Parties for whom the reſpective Solicitors are concerned, may come properly before the Court for Determination. When the Draught of the Report has been duly conſidered, and the Plaintiffs' Solicitor is prepared to attend the Maſter thereon, he may take out Warrants * to proceed, and on his Attendance before the Maſter, may ſtate ſuch Alterations as he propoſes to be made in the Report, and urge his Reaſons for their expediency. The Report having been in this manner finally gone through, the Maſter's Clerk will tranſcribe it, and when ready the Plaintiffs' Solicitor ſhould very carefully examine the Tranſcript with the Clerk, and take out a Warrant for the Maſter to ſign it. There muſt be four days between the date and return of this Warrant, and it ſhould be immediately ſerved.

If any Party conceives that the Intereſt of his Client has not been ſufficiently attended to in the Report, or that the Maſter has been miſtaken in any point determined in the Proceedings before him, and the Solicitor ſhould be adviſed to appeal therefrom to the Court, this is the time to ſtate his Objections, that he may be enabled to take Exceptions to the Report, after it is filed. If no Objections are left, the Maſter will ſign the Tranſcript of his Report, which ſhould be immediately filed in the Report Office, from whence an Office Copy ſhould be procured. An Order Niſi to confirm the Report muſt then be obtained by Motion to the Court, which will be granted of courſe. The Order, when paſſed and entered, muſt be ſerved on the adverſe Parties perſonally, if they are leſs than ſix in number, but if ſix, or more, then, on a ſuggeſtion that the Parties are numerous, and live remote from each other, the Court will direct that Service of the Order on the Clerks in Court ſhall be deemed good Service on the Parties, and this will be made part of the Order; which may be then ſerved on the Clerks in Court agreeably thereto. Any Party in the Cauſe may obtain the Order Niſi to confirm the Report: When, therefore, there are but ſeven Parties in the Cauſe, and two or more are Plaintiffs, it is uſual to move the Court, in the name of one of the Plaintiffs, to confirm the Report Niſi, and on the ſuggeſtion before ſtated, that Service of the Order on the Clerks in Court for the other Plaintiffs and Defendants, may be deemed good Service; which will be ordered accordingly. After the eight days are expired, an

* The firſt Warrant is on the Report being prepared; every ſubſequent Warrant is to proceed thereon.

*Affidavit being made of the Service of the Order, either perſonally on the Parties, or on the Clerks in Court, as the Caſe may require, and a Certificate being obtained from the Regiſter, on the Order Niſi, of no Cauſe having been ſhewn againſt the Report, a Motion may be made to confirm the Report abſolutely; which will be granted. The Order being drawn up, entered, and ſerved, the Cauſe may be ſet down for further Directions, in the manner hereafter ſtated: Should it be found impracticable to ſerve the Order Niſi on the adverſe Parties (where permiſſion to ſerve the ſame on the Clerks in Court cannot be obtained on the uſual ſuggeſtion of the number of Parties) the Court, upon Motion, ſupported by an Affidavit of having endeavoured to ſerve the Order perſonally, and ſtating the impediments which prevented ſuch Service, will, if ſatisfied of the impracticability of perſonal Service, make an Order that Service on the Clerk in Court ſhall be deemed ſufficient.

If any Party ſhould be diſſatisfied with the Maſter's Report, and ſhould leave Objections to the ſame (which Objections muſt be left before the Tranſcript of the Report is ſigned by the Maſter) the Party leaving them takes out a Warrant, which he underwrites—"The Defendant *E F* (as the Caſe may be) has left Objections to the Report," and ſerves the ſame on the Clerks in Court for all the adverſe Parties. A Copy of theſe Objections muſt be had, and properly conſidered, in order to anſwer them on the Attendance before the Maſter. The Report cannot be ſigned until the Objections have been gone through; and if the Party leaving them does not proceed thereon with that expedition which the courſe of the Practice allows, any other Party may take out Warrants to proceed on the Objections, until they are totally got rid of, by being over-ruled, or by the Report being altered agreeably thereto. When the Warrants have been attended, and the Maſter has fully conſidered his Report, he will ſign it; the Solicitor muſt then file it, obtain an Office Copy, and take the proceedings before directed for confirming it. If Exceptions to the Report are taken in conſequence of Objections having been made to it, ſuch Exceptions muſt be ſigned by Counſel, engroſſed on a treble 6*d*. Stamp Parchment, and filed with the Regiſter, with whom a Depoſit of £5 muſt be left. A Petition † muſt then be preſented to the Lord Chancellor, by the Party

* See form of this Affidavit in Appendix, Title "Affidavits," N° 12.

† At the ſame time a Copy of the Report, and Exceptions, ſhould be left with the Lord Chancellor's Secretary.

filing the Exceptions, for an Order to ſet them down for Argument (for the form of this Petition ſee Appendix, under title "Petitions," N° 28), which Order muſt be drawn up, entered, and ſerved within the eight days mentioned in the Order Niſi; and theſe Exceptions muſt be argued in Court before the Report can be abſolutely confirmed. Obſerve, that no Exceptions to a Report will be allowed on Argument, unleſs Objections thereto have been before left with the Maſter in the manner herein before ſtated. The Exceptions being ſet down to be argued in Court, prepare a Brief, which give to your Counſel, with a Copy of the † Exceptions, and attend the Court while the Exceptions ſtand in the Paper for Argument: On the Hearing thereof the Chancellor will make ſuch Order as ſhall appear neceſſary. If the Exceptions ſhould be diſallowed, and a Confirmation of the Report ſhould be ordered, the Cauſe may be ſet down on further directions immediately; if the Court allows any of the Exceptions, it may be referred to the Maſter to review his Report. If ſo, after having obtained the Order for this purpoſe, and left it with the Maſter, Warrants muſt be taken out for him to review his Report, upon which he will make the neceſſary alterations therein. The Report being then ſigned, and filed, the uſual Orders muſt be obtained for its confirmation, in the manner before directed, and the Cauſe is then in a ſtate to have the further Directions of the Court on the Maſter's Report.

But it is more uſual for the Party intereſted in the Cauſe, and in an expeditious Deciſion of any Queſtion ariſing in it, to procure the Cauſe to be ſet down for further Directions, to come on to be heard with the Exceptions taken to the Report; this is done by a Petition left with the Lord Chancellor's ſecretary, the form of which will be found in the Appendix under the title "Petitions" (N° 29 *). The Directions of the Court will then be given on the whole view of the buſineſs, namely, the Facts and Circumſtances as they appear from the Report and Exceptions (ſupported by the Evidence in the Cauſe), and a great deal of time may be ſaved; for if the Maſter is right in his Report, and the Exceptions ſhould be over-ruled, the further Directions of the Court will be immediately obtained by the Order made thereon; and ſo in very many Caſes, even where the Exceptions are allowed.

† The Adverſe Party muſt take an Office Copy of the Exceptions from the Regiſter.

If

If the Purchaſers of any of the Lots give Notice of an Application to the Court for leave to pay in the Purchaſe Money, and to be let into Poſſeſſion of the Eſtates purchaſed; it may be proper to appear by Counſel on the Motion, either to oppoſe it, by inſiſting that the Purchaſer ought not to have the Rents from the time mentioned in the Notice of Motion, or to ſettle any terms neceſſary on that account; or to conſent to the Application, if it ſhould appear adviſeable ſo to do; or to pray that the Purchaſe Money, when paid into Court, may be laid out in the Purchaſe of Bank Annuities. Where the Decree directs the Money to be ſo laid out, and where there is no Objection to the Terms mentioned in the Notice of Motion, it may not in ſtrictneſs be neceſſary to appear; yet it may be prudent ſo to do, for the purpoſe of giving any Explanation which may be required by the Court, and for preventing any trouble afterwards, ſince the Directions to lay out the Purchaſe Money will thereby form a part of the Order under which the Money is paid into Court; and nothing further will be neceſſary to be done than to leave a Requeſt * at the Accountant General's Office, immediately after the Money is paid in, to have the ſame laid out †.

In order to ſet down the Cauſe for further Directions, a Petition muſt be preſented to the Lord Chancellor, if it is thought proper to hear the Cauſe before him; or to the Maſter of the Rolls, if it is intended to be heard before him. A form of the Petition will be found in the Appendix, under the head "Petitions," N° 29. With the Petition ſhould be left a Copy of the Decree, and Report; on leaving which a Fee of 5*s.* is paid. When the Petition is anſwered (for which pay at the Rolls 12*s.* 6*d.* if before the Chancellor, 20*s.*) get the Order drawn up at the Regiſter's Office; when entered, ſerve it on the Clerks in Court for the adverſe Parties. When the Order is taken from the Regiſter's Office, take care that the Cauſe is entered in the proper Cauſe Book to be heard; for which pay, if on further Direc-

* For the form of the Requeſt, ſee hereafter, page 97.

† Practical direction for the Solicitor for a Purchaſer of an Eſtate ſold before the Maſter, and for the Solicitor in the Cauſe, ſee page 86. Where on the Application to the Court, the latter part of the Notices of Motion, N° 6, under title, "Notices of Motion," in the Appendix, forms a part of the Order, Notice of the Application for payment of the Money out of Court muſt be given to the Purchaſer by ſerving him with a Copy of the Notice of Motion or Petition for that purpoſe, and inſerting in the uſual Affidavit of the Service on the Clerks in Court in the Cauſe, ſuch Service on the Purchaſer.

tions, only 1*s.*; and if for further Directions and Coſts, 2*s.* Make an Affidavit of the Service of the Order, file the ſame, and procure an Office Copy thereof to read in Court on the Hearing, in caſe the adverſe Party ſhould not appear. It is to be remembered, that either Party (after the Report is confirmed) may petition to ſet down the Cauſe for further Directions and Coſts, and it is uſually done by the Party who is moſt intereſted in having a ſpeedy deciſion.

The Cauſe being entered in the Book of Cauſes, to be heard in its courſe for further Directions, prepare your Brief, which ſhould ſtate ſhortly the Mandatory Part of the Decree, and the Maſter's Report made in purſuance thereof, and ſhould be accompanied with the Directions to be inſiſted on at the Hearing, and ſuch Obſervations on the Caſe as will be neceſſary to draw the attention of the Counſel to the points which have been agitated in the Cauſe, either at the time of the Decree being made, or in the Proceedings before the Maſter; with this deliver the Counſel his former Brief. Attend the Court while the Cauſe is in the Paper, and on the Hearing be particularly careful that all the proper Directions are given; for ſhould any be omitted, the Regiſter will not afterwards take on himſelf to ſupply ſuch omiſſions without the Order of the Court for that purpoſe. This Order cannot be obtained without a Petition, a Motion to correct the Minutes, or poſſibly a Re-hearing of the Cauſe on further Directions, either of which meaſures will occaſion a great loſs of time, as well as be attended with a conſiderable expence.

On the Hearing of the Cauſe upon further Directions, it will be neceſſary to be prepared with a Certificate of the ſtate of the Money and Funds from the Accountant General, which muſt be beſpoke at his Office a few days before the Cauſe is expected to be heard.

The Cauſe having been heard on further Directions, beſpeak * the Order made thereon at the Regiſter's Office, and ſee that the Minutes thereof are properly ſettled before it is drawn up. When paſſed, leave it to be entered with the proper Clerk; when entered, get the Order from him, and take the proper ſteps for carrying the Directions of the Court into effect.

* At the ſame time muſt be left with the Regiſter the Decree, and Office Copy of the Report.

EASTER TERM, 1788.

THE Order made on further Directions being paſſed and entered, make a Copy of the Title and Mandatory Part thereof for the Maſter, and proceed before him on the Directions contained therein. If Proviſion is made by the Order for Payment of the Coſts up to the Decree, out of the Funds inveſted in the Accountant General's name, the Payment thereof may be immediately procured. If they are directed to be paid by a Sale of a ſufficient part of any Stock or Fund in the Cauſe, take the Order and Report to the Regiſter at whoſe Seat the Order was drawn up and paſſed; beſpeak his Certificate to the Accountant General for Sale of the Stock directed to be ſold for Payment of the Coſts, which when obtained muſt be left with the Order and Report at the Office of the Accountant General, who will ſell the Stock, and afterwards pay the Coſts as directed. When the Solicitor receives the Coſts, he ſigns a Receipt for them in a Book at the Accountant General's Office, and receives a Draught or Check on the Bank of England for the amount, and a Certificate of the Payment thereof, to be filed in the Report Office, which the Solicitor muſt take there for that purpoſe, together with the Accountant General's Draught or Check on the Bank. Pay filing the Certificate 3*s.* 6*d.* The Check is then marked, entered, by the Clerk, and muſt afterwards be taken to one of the Regiſters, who will counterſign it, on a peruſal of that part of the Report which aſcertains the amount of the Coſts, and that part of the Order which directs the Payment thereof. The Check is then taken to the Chancery and Exchequer Office at the Bank, which is oppoſite to the Secretary's Office there, where the Clerk will examine the Draught with the Books there, and mark the Draught with the folio of the Account; the Draught muſt then be taken to the Chancery Office (near the Diſcount Office, at the Bank) where the Clerk will give proper directions to the Caſhiers and Tellers, ſitting in the Great Hall at the Bank, to pay the amount in Notes or Caſh, as the Solicitor may chooſe to receive it, Tickets being made out by the Clerk in the Chancery Office for that purpoſe. The Solicitor is not obliged to attend perſonally at the Bank for Payment; he may indorſe the Check and the Money will be paid to the Bearer. No further Inſtruction is neceſſary for the Solicitor's guide in receiving the Accountant General's Draught

Draught at the Bank, except that he muſt be careful to receive it within one month from its date, agreeably to the terms expreſſed in the Draught.

The above Inſtructions will ſerve for the Receipt of any ſum from the Accountant General, directed by an Order founded on a Report, to be paid to any Perſon whatſoever, the manner of procuring this Payment being the ſame in every inſtance.

In tranſacting the Buſineſs at the Accountant General's Office it muſt be always remembered, that wherever a Transfer or Sale of Bank Annuities, or any other Stock or Fund in the Cauſe is to be made, purſuant to any of the Directions in the Order, a Certificate muſt be obtained from the Regiſter, and left with the Accountant General, without which he cannot make a Transfer or Sale; but for the Payment of Money a Certificate from the Regiſter is not required. There is another diſtinction, which it may be neceſſary for the Solicitor to attend to, viz. that where a ſum of Money is paid by the Accountant General purſuant to an Order, from whatever Fund the ſame may be paid, he gives a Certificate with the Check, which muſt be filed at the Report Office; but where the Payment is Intereſt accruing on the Fund, it is paid half-yearly, or otherwiſe, as ſuits the convenience of the Perſon entitled to receive it, but no Certificate of the Payment is filed, although the Draught or Check, as well as every other Draught or Check given by the Accountant General on the Bank, muſt be entered at the Report Office, and counterſigned by one of the Regiſters, otherwiſe, when it is preſented at the Bank, Payment will be refuſed.

On all Claims which have been proved before the Maſter, allowed by him, and ſtated in his Report, and which in their nature bear Intereſt, the Court will direct a Computation of ſubſequent Intereſt to be made, and probably part of the Directions in the Order made on further Directions will be, that the Maſter ſhall be at liberty to make a ſeparate Report thereof. The Claimant will therefore carry in before the Maſter his Charge of ſubſequent Intereſt, computing it from the time mentioned in the former Report to the time when the Debt and Intereſt are likely to be paid, purſuant to that part of the Order which directs the Payment thereof.

If Stock is directed to be transferred to a Party in the Cauſe, on his executing a proper Conveyance of any Eſtate which forms part of the Subject on which the Suit is grounded, Draughts of the Conveyance muſt be prepared, and left with the Maſter, who uſually directs them to be laid before ſome eminent Conveyancing Counſel, for his peruſal and approbation, on the behalf of all Parties. To ſave time and trouble, the Draughts may be ſo ſettled before they are left with the Maſter (firſt procuring his approbation of a Counſel before whom they are to be laid). Theſe Draughts, when ſettled, muſt have the Signature of the Counſel, teſtifying his approval thereof; they may then be left with the Maſter, and a Warrant taken out thereon. After a ſufficient time allowed for Copies to be made, for ſuch Parties in the Cauſe as require them, take out Warrants to proceed on the Draughts, and attend thereon until they are ſettled. The Maſter's Clerk will then engroſs the Deeds, procure the Maſter's Certificate, or Report of his Approval and Allowance of, and deliver them to the Solicitor. The Report muſt be filed, and an Office Copy had.

When the Deeds have been properly executed by all neceſſary Parties, an Affidavit of the due Execution thereof muſt be made, filed in the Affidavit Office, and an Office Copy had (for the form of this Affidavit, ſee title "Affidavits," in the Appendix, N° 9) which being done, the Money directed to be paid in conſequence thereof may be procured; for this purpoſe the Order for Payment of the Money, the Office Copy of the Maſter's Report of his Allowance of the Deeds, the Office Copy of the Affidavit of the due Execution thereof, together with the Deeds themſelves, muſt be left with the Regiſter who drew up the Order, who on peruſing them, if he obſerves nothing improper, will give his Certificate to the Accountant General to make the Sale of the Fund, for raiſing the Money directed to be paid on the Execution of the Deeds; which Certificate, together with the Deeds, Report, Order, and Affidavit, muſt be left with the Accountant General for his Examination, who, on peruſal thereof, finding no error, will give directions to his Broker for the Sale, and a few days afterwards will make the Payment to the Perſon entitled thereto by a Draught or Check on the Bank; he will alſo give a Certificate thereof to be filed at the Report Office, where the Draught being marked, entered, and the Certificate filed, the Regiſter will counterſign the Draught (the Deeds, Reports, Order, and Affidavit being again ſhewn to him) which will afterwards be paid at the Bank. If the Money to be paid on the Execution

cution of the Deeds is not to be raiſed by the Sale of Stock, but paid out of an aggregate or ſpecific ſum ſtanding to any particular Account, in or to the Credit of the Cauſe, in that caſe a Certificate from the Regiſter is not required; but the Deeds, Reports, Order, and Affidavit, muſt be left with the Accountant General, who will make out a Draught for the Money to be paid, and a Certificate thereof; the Regiſter however will, on counterſigning the Draught, require the Reports, Order, Deeds, and Affidavit of the due Execution thereof, to be ſhewn to him.

If any balances remaining in the hands of the Defendants, the Executors, are not paid into Court in a reaſonable time after the Order directing the Payment has been obtained, Application ſhould be made to the Court, that the ſaid Defendants may be directed to pay in the ſame within a time ſpecified; Notice of this Application ſhould be duly ſerved on their Clerks in Court (for the form of which ſee title "Notices of Motion," in the Appendix, N° 5); an Affidavit of the Service of the Notice made, filed, and an Office Copy had, to be read in Court on the Motion being made; a Certificate from the Accountant General, that the Balances have not been paid in, muſt alſo be had; and the Court, on the Motion, will make an Order according to the terms of the Notice of Motion, or grant a longer time, as may appear adviſeable. The Order muſt be drawn up, paſſed, entered, and ſerved on the Clerks in Court for the Defendants required to pay in the Money. If it is ſuſpected that the Money will not be paid into Court by the time mentioned in the Order, a Writ of Execution thereof ſhould be made out by the Clerk in Court, which muſt be perſonally ſerved on the Defendants before the time limited for Payment expires, or no Proceſs of Contempt can be grounded on a non-compliance with the terms of the Order. If the Defendants do not then pay in the Money, on Affidavit of the Service of the Writ of Execution, and a Certificate had from the Accountant General that it has not been paid in, the Clerk in Court will make out an Attachment, directed to the Sheriff of the County where the Defendants reſide, on which they may be taken and detained in the County Priſon until they obtain an Order for paying in the Money, actually pay in the ſame, and clear their Contempt by diſcharging the Coſts which have accrued thereby, and until the Court make an Order for their Diſcharge.

After the Money has been paid into Court, if the Decree directs it to be laid out in the Purchaſe of Stock in the Public Funds, a Requeſt for that purpoſe muſt be left at the Accountant General's Office, and the Purchaſe beſpoke. The Requeſt is in the following form:

" In Chancery.

" £.870. 6*s.* 2*d.* Principal of the Teſtator's Perſonal Eſtate.

" LAWRENCE againſt WILSON.

" I deſire that the ſum of eight hundred and ſeventy pounds ſix ſhillings " and two pence may be laid out in the Purchaſe of Bank 3 per Cent. " Annuities, to be transferred to your Account, in Truſt in this Cauſe. " *Principal of the Teſtator's Perſonal Eſtate.* Dated the 16th day of May " 1788.

" J. Williams,
" Plaintiffs' Solicitor.

" To the Accountant General
" of the Court of Chancery."

The particular Account to which the Fund, when purchaſed, is directed by the Order to be carried, muſt always be mentioned in the Requeſt to lay out the Money. When the Money is directed to be laid out, and carried to the Credit of the Cauſe generally, that part of the above Requeſt which directs the Fund to be carried to a particular Account, muſt be omitted.

Whenever a Receiver is directed to be appointed in a Cauſe (which Appointment, if neceſſary, may be applied for by Motion, and will be granted in any ſtage of the Cauſe) a Propoſal muſt be carried in before the Maſter, to the following purport:

" In Chancery.

" Between (ſtate the Title of the Cauſe fully).

" The Plaintiffs propoſe *A B*, of Marlborough, in the County of Wilts, Gen- " tleman, to be the Receiver of the Eſtates *in Wiltſhire* *, in the Pleadings in " this Cauſe named.

" And

* If it is found neceſſary to appoint more than one Receiver for the ſeveral Eſtates, on account of the great diſtance the Eſtates lie from each other, this form is proper; but if one Receiver only for all the Eſtates is appointed, then the place where the Eſtates lie is not inſerted in the Propoſal; and it

" And the ſaid *A B* propoſes *C D*, of Marlborough aforeſaid, Eſquire, and *E F*,
" of Calne, in the ſaid County of Wilts, Eſquire, to be his Sureties."

Each of the Sureties muſt make an Affidavit that he is worth double the amount of the yearly Rent of the Eſtates, in the following form:

" In Chancery.

" Between JOHN LAWRENCE and others, Plaintiffs,
" and
" GEORGE WILSON and others, Defendants.

" *C D*, of Marlborough, in the County of Wilts, Eſquire, and *E F*, of Calne,
" in the ſaid County, Eſquire, ſeverally make Oath and ſay; and firſt this
" Deponent *C D* for himſelf ſaith, That he is worth the ſum of £.2,200, after
" all his Debts are paid: And this Deponent *E F*, for himſelf ſaith, That he
" is worth the ſum of £. 2,200, after all his Debts are paid.

" Sworn, &c."

When any conteſt ariſes between the Parties in the Cauſe, reſpecting the Appointment of a Receiver, the Maſter will be very much guided in his Deciſion by the Approbation of a majority of the Parties more particularly intereſted in the circumſtance. On this account it is proper for the Solicitor to be prepared with the Conſent in writing of ſuch of the Parties in the Cauſe as are nearly intereſted in the Eſtates, and are Adults, to the Appointment of the Perſon whom he propoſes for the Office of Receiver: Where the Conteſt lies between two Men of equal merit and pretenſions, ſo far as Abilities for the Office cauſe a competition, ſuch a Conſent is the Criterion of the Maſter's Judgment. The Propoſal being allowed, and the Affidavit of the Sureties' ſufficiency in point of Property being left, the Receiver and his Sureties muſt enter into a Recognizance for his faithfully accounting for what he ſhall receive; the whole of which is done by the Maſter's Clerk, and therefore no particular explanation of the Practice is here neceſſary. The Coſts of this Proceeding are allowed to the Receiver in the firſt Account which he paſſes before the Maſter.

it may be proper to introduce the Propoſal by a ſtate of facts, ſhewing the ſituation of the Property, its annual Value, and any other circumſtances attending it, which may be neceſſary for the Maſter's information, previous to his deciſion, more eſpecially where there is any conteſt for the appointment, which very frequently happens.

The

The duty of a Receiver is to collect the Rents of the Eſtates, to take care that every Obligation incumbent on the Tenant is properly complied with; and on the expiration of Leaſes, or the Premiſes being left by any of the Tenants, again to let the ſame, with the Approbation of the Maſter, which is obtained by the Perſon inclined to take a Leaſe of the Premiſes laying a Propoſal before him, ſtating the terms on which he is willing to take the ſame, on which Propoſal Warrants are taken out, and ſerved on all Parties intereſted: on the Attendance before him the Maſter will determine on the Subject. Evidence will be required in ſupport of any Facts ſtated in the Propoſal, or of any diſputed points which may be raiſed by the Parties thereon. If a Leaſe of the Premiſes is to be granted, the Party making the Propoſal muſt prepare a Draught, which being left with the Maſter, will be ſettled as all Draughts of Deeds are ſettled before him; and the Receiver having executed the Leaſe ſo approved, the Tenant muſt execute a Counterpart, and he will then be admitted into poſſeſſion of the Eſtate of which he has ſo agreed to take a Leaſe.

The Receiver ſhould paſs his Accounts before the Maſter once every year at the leaſt *. This Account is entered in a Book kept at the Maſter's Chambers, and verified by an Affidavit, which is inſerted at the end of each Account ſo paſſed in the Book (ſee the form in the Appendix, under title "Affidavits," N° 10). The Account comprizes the Tenants' Names, the Rents received up to a particular time (uſually Michaelmas yearly) the Rents in arrear at the end of the year preceding, and the Rents in arrear at the time to which the Account extends, properly arranged in columns, with a wide column for Obſervations. This forms the Charge againſt the Receiver; the Monies paid, and Allowances made by him to the Tenants and others, are then ſtated, which forms his Diſcharge: the Balance, being the Money in his hands, muſt be paid into Court on an Order for that purpoſe, to be obtained by Application to the Court, on a Motion made by ſome Party in the Cauſe, or by the Receiver himſelf. On the paſſing the firſt Account great care and attention is required, as that Account forms the baſis of all ſubſequent Accounts.

* By a geueral Order dated 15th Dec. 1792, the Maſters on the ſecond Seal after Trinity Term in every year, are to certify to the Lord Chancellor or Lords Commiſſioners of the Great Seal, the State of the Receivers' Accounts in their reſpective Offices.

When the Office of the Receiver is at an end, which is uſually on the Party entitled to the Eſtates attaining his age of twenty-one, or as ſoon as the purpoſe for which he was appointed is anſwered, the Receiver will paſs his final Account; and after having paid the Balance in his hands into Court, or to the Perſon entitled thereto, will apply to have his Recognizance vacated, which will be done on Petition to the Lord Chancellor or Maſter of the Rolls, to be ſet down and heard in its courſe with other Petitions, when an Order will be made for that purpoſe, unleſs ſome Objection of ſufficient weight to retard it ſhould be offered, the Petition anſwered having been ſerved on the Clerks in Court for all the Parties in the Cauſe, an Affidavit thereof made and filed, and an Office Copy had, to be read in Court on the hearing of the Petition. Take care that the Recognizance is vacated when the Order is obtained for that purpoſe.

Any Perſon become entitled to any of the Funds, or Money ſtanding to the Credit of the Cauſe, may petition to have the ſame transferred, or paid to him; or the Application may be made by Motion to the Court, where the right of the Party applying does not require a very complex or intricate Statement; but it is better in every caſe to apply by Petition either to the Lord Chancellor or Maſter of the Rolls, ſtating the title of the Party to the Fund or Money applied for. The Petition anſwered, or a Notice of the Motion, muſt be ſerved on the Clerks in Court for all the Parties in the Cauſe. The Solicitor muſt attend the Court on the Hearing of the Application, with the neceſſary Evidence of the Petitioner's Title to the Fund and Money applied for, and muſt likewiſe be provided with the Accountant General's Certificate of the Fund and Money (for the Transfer and Payment whereof the Application is made) being in Court, as ſtated in the Petition, or as repreſented by the Counſel on the Motion.

Inſtructions have been before given of the manner in which a Transfer and Payment by the Accountant General are to be obtained; it is therefore unneceſſary to ſay any thing further on that head, except that on a Transfer the Accountant General will require to be left at his Office the ſame Deſcription of the Perſon to whom the Transfer is to be made (in order that the Fund may be properly transferred into his Name in the Books of the Bank) as the Petitioner, having made a

FREDERICK ALLIS
ATTORNEY AT LAW & SOLICITOR IN CHANCERY
NO. 189 BROADWAY NEW YORK

Indorsed Allis

Purchaſe of Stock on his own Account, would furniſh his Broker with to be inſerted in the Books at the Bank. If the Perſon to whom the Stock is to be transferred has already an Account at the Bank in the Books of the Fund to be transfered to him, it will be transferred to that Account, proper Directions being left at the Accountant General's Office for that purpoſe.

BILL

BILL OF COSTS

FOR

DEFENDANTS IN THE AFOREGOING CAUSE.

IN CHANCERY.

BETWEEN *John Lawrence, Sophia Lawrence, Rebecca Lawrence, and Lucy Lawrence, Mary Lawrence, John Stephens the Younger, and John Norris and Charlotte his Wife, Deviſees and reſiduary Legatees, named in the laſt Will of Stephen Lawrence, deceaſed,* — — — — PLAINTIFFS;

AND,

George Wilſon and William Johnſon, Executors and Deviſees in Truſt, named in the laſt Will of the ſaid Stephen Lawrence; Stephen Lawrence, the Heir at Law and Deviſee named in the ſaid Will of the ſaid Stephen Lawrence; John Stephens the Elder; William Lawrence, a Bankrupt, and Charles Harding and John Smith, his Aſſignees; John Williams, Charles Williams, Joſeph Williams, Jane Holroyd, the Wife of Joſeph Holroyd, a Perſon of unſound Mind, by the ſaid Joſeph Williams her Guardian; John Clarke, a Mortgagee of Part of the Teſtator's Eſtate; and the ſaid Joſeph Holroyd, out of the Juriſdiction of the Court, — — — — — DEFENDANTS.

BILL of COSTS of the ſaid Defendants George Wilſon, William Johnſon, Stephen Lawrence, John Stephens the Elder, John Williams, Joſeph Williams, Jane Holroyd, and John Clarke.

HILARY TERM, 1786.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
ATTENDING the Defendants Wilſon and Johnſon on their having been ſerved with Subpœnas in this Cauſe, and conferring and adviſing thereon — — —	0 6 8	

Attending

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending Mr. Stephen Lawrence, and ſeveral other of the Defendants, on their having been ſerved with Subpœnas, and taking Inſtructions — — — —	0 6 8	
Paid entering Appearance for eight Defendants — —	0 10 0	
Paid for Office Copy Bill, fo. 96 — — —	4 8 0	
Making a cloſe Copy thereof — — —	0 16 0	
Peruſing and conſidering the ſame — — —	0 6 8	0 6 8
February 6. Attending Mr. Wilſon and Mr. Johnſon, conferring and adviſing on the Bill filed, the Anſwer required, and inſtructing them in what Manner to make out the Accounts required by the Bill — — —	0 13 4	0 13 4
Making Copy of the Will of their Teſtator for Uſe in the Cauſe, four Brief Sheets — — —	0 10 0	
The like of his Marriage Settlement, ſix Brief Sheets —	0 15 0	
Peruſing and conſidering the ſame — — —	0 6 8	0 6 8
Inſtructions for Counſel to move for a Month's Time to anſwer — — — — —	0 2 6	
To Mr. Cooke, to move — — — —	0 10 6	
Attending him, and Court — — —	0 6 8	0 6 8
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 1 0
* Term Fee, Solicitor — — — —	0 6 8	
Letters and Meſſengers — — — —	0 2 0	

* No Term can be charged for the Clerk in Court of the Term an Appearance is entered; his Fee is included in the Sum paid him for entering the Appearance.

HILARY VACATION.

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Drawing * Petition for three Weeks further Time to anſwer, engroſſing, and Duty — — — —	0 4 7	0 4 7
Paid anſwering ſame (at the Rolls) — — —	0 5 6	0 5 6
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 9 0
Letters and Meſſengers — — — —	0 1 0	0 1 0

EASTER TERM, 1786.

Inſtructions for Counſel to move for a Fortnight's further Time to anſwer — — — —	0 2 6	0 2 6
To Mr. Cooke therewith — — — —	0 10 6	0 10 6
Attending him, and Court — — —	0 6 8	0 6 8
† Paid entering Appearance with the Regiſter — —	0 8 2	0 8 2
Paid Clerk in Court for his Attendance — —	0 6 8	0 6 8
Attending thereon — — — —	0 6 8	0 6 8
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 9 0
March 18. Attending Mr. Wilſon and Mr. Johnſon, taking Inſtructions for their Anſwer, the whole of this Morning	0 13 4	0 6 8
—— 19. Attending them again the whole of this Morning, on the ſame Subject — — —	0 13 4	0 13 4
—— 20th. Attending them again this Morning, conferring on their Accounts, peruſing them, and the Books and Accounts of their Teſtator — — —	0 13 4	0 6 8

* But one Order for Time is allowed in Coſts.

† The Fee paid on entering Appearance for one Defendant with the Regiſter is 5*s*. 4*d*. and for every additional Defendant 2*s*. 10*d*.

Drawing

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Drawing the Anſwer, and Schedules, fo. 210 — —	5 5 0	
Making fair Copy thereof for the Defendants' Peruſal —	1 16 8	
March 30th. Attending them reading over and ſettling the Draught, and making ſeveral Alterations therein —	0 13 4	0 13 4
Fee to Mr. Cooke, to ſettle and ſign ſame, and Clerk —	3 5 6	0 2 6
Attending him — — — — —	0 6 8	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 3 0	0 1 0

TRINITY TERM, 1786.

Engroſſing Anſwer, fo. 210 — — —	3 13 4	
Paid for Parchment and Duty, five Skins — —	1 7 6	
Attending the Defendants reading over the ſame, and afterwards to the Public Office to get them ſworn thereto —	0 13 4	0 6 8
Paid Oaths — — — — —	0 2 0	
Taking Inſtructions for the Anſwer of the Defendant Stephen Lawrence, the Heir at Law — — —	0 6 8	
Drawing ſame, fol. 24 — — — —	0 12 0	
Fair Copy thereof — — — —	0 4 0	
Attending him reading over and ſettling the ſame —	0 6 8	0 6 8
Fee to Mr. Holliſt and Clerk, to ſettle and ſign ſame —	1 3 6	0 2 6
Attending him — — — — —	0 6 8	
Engroſſing the Anſwer — — — —	0 8 0	
Paid for Parchment and Duty — — —	0 4 0	
Attending the Defendant reading over the ſame, and afterwards to the Public Office to get him ſworn thereto —	0 6 8	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid Oath — — — — —	0 1 0	
Attending taking Inſtructions for the Anſwer of John Stephens the Elder, John Williams, Joſeph Williams, and Mrs. Holroyd — — — — —	0 6 8	
Drawing ſame, fol. 15. — — — —	0 7 6	
Fair Copy thereof for Counſel to ſettle and ſign — —	0 2 6	
To Mr. Simeon therewith, and Clerk — —	1 3 6	0 2 6
Attending him — — — — —	0 6 8	
Attending Mr. Wilſon, adviſing on the Situation of the Defendant Mrs. Holroyd, who was in a State of Inſanity, and abandoned by her Huſband — — —	0 6 8	
Attending Dr. , under whoſe Care ſhe was, taking Inſtructions to draw his Affidavit of her Situation —	0 6 8	
Drawing Brief for Counſel to move for a Commiſſion to aſſign a Guardian to Mrs. Holroyd, a Perſon of unſound Mind, by whom ſhe might anſwer and defend the Suit, and Copy — — — — —	0 6 8	
Drawing Affidavit in ſupport thereof, Duty, and Oath, —	0 6 1	
Paid filing ſame, and for Office Copy thereof — —	0 6 3	
To Mr. Simeon, to move — — — —	0 10 6	
Attending Court on Motion — — —	0 6 8	
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 1 0
Paid for the Commiſſion — — — —	0 13 8	
Attending on the Execution thereof — — —	0 6 8	
Drawing Return to the Commiſſion, engroſſing, and Duty -	0 4 6	
Paid the Commiſſioners for their Trouble — —	2 2 0	1 7 8
Inſtructions for Counſel to move that the ſaid Defendant might anſwer, ſeparate from her Huſband — —	0 2 6	

To

	CHARGE. £. s. d.	TAX OFF. £. s. d.
To Mr. Simeon, to move — — —	0 10 6	
Attending him, and Court — — —	0 6 8	0 6 8
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 10
Engroſſing the Anſwer — — — —	0 5 0	
Paid for Parchment and Duty — — —	0 4 0	
Attending the ſeveral Defendants, whoſe Anſwer was to be taken without Oath, reading over the Anſwer —	0 6 8	
Fair Copy thereof for them to ſign — — —	0 2 6	
The Plaintiffs having obtained an Order for the Defendants, the Executors, to transfer the Money ſtanding in the Teſtator's Name, and likewiſe in their own Name, in the Books in the Bank, to the Accountant General, attending the Plaintiffs' Solicitor for the Order for that Purpoſe —	0 6 8	0 6 8
Attending the ſaid Defendants thereon, and explaining to them the Neceſſity of making the Transfers — —	0 6 8	
Attending at the Accountant General's Office with the Order, beſpeaking the proper Tickets to enable the Transfer to be made, and afterwards for the ſame — —	0 6 8	
The Defendant Johnſon, one of the Executors, being confined to his Houſe by Sickneſs, attending at the Bank to beſpeak Powers of Attorney from him to the other Defendant, to enable him to make the Transfer, and attending afterwards for the ſame — — — — —	0 13 4	0 6 8
Paid for a Power of Attorney to transfer the 3 per Cent. Conſolidated Annuities in the Teſtator's Name — —	0 7 6	
The like in the Executors' Names — — —	0 7 6	
The like in the Teſtator's Name, in the Reduced Annuities	0 7 6	
Attending the Defendant Johnſon, reading over and atteſting the Execution of the above three Letters of Attorney —	0 6 8	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
July 26th. Attending the Defendant Wilſon at the Bank the whole of this Morning, on making the ſeveral Transfers to the Accountant General — — — —	0 13 4	
Paid Brokerage, &c. — — — —	2 12 6	
Paid filing the Accountant General's Certificates of the ſeveral Transfers — — — — —	0 11 6	
The Plaintiffs having amended their Bill, by adding Parties and otherwiſe, peruſing and conſidering the Amendments, to ſee if it was neceſſary to anſwer them — —	0 6 8	0 6 8
Attending Mr. Clarke, the Mortgagee of Part of the Teſtator's Eſtates, and who was a Defendant added to the Bill by the late Amendments, taking Inſtructions to enter an Appearance for him — — — —	0 6 8	0 6 8
Paid Clerk in Court entering an Appearance — —	0 3 4	
Taking Inſtructions for his Anſwer — — —	0 6 8	
Drawing ſame, fol. 30 — — — —	0 15 0	
Fair Copy thereof for Counſel — — —	0 5 0	
Fee to Mr. Stratford to ſettle and ſign ſame, and Clerk —	1 3 6	0 2 6
Attending him — — — — —	0 6 8	
Attending the Defendant, reading over and ſettling the ſame, previous to its being engroſſed — — —	0 6 8	0 6 8
Engroſſing ſame — — — —	0 10 0	
Paid for Parchment and Duty — — —	0 4 6	
Attending the Defendant reading over the Anſwer, and afterwards to the Public Office to get him ſworn thereto -	0 6 8	
Paid Oath — — — — —	0 1 0	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 6 0	0 3 0

MICHAEL-

MICHAELMAS TERM, 1786.

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
A Bill of Revivor being filed on the Death of one of the Plaintiffs, attending the Defendant John Stephens, the Deceaſed's Father and next of Kin, conferring and adviſing thereon, and on the Neceſſity of his taking out Letters of Adminiſtration — — — —	0 6 8	
Paid entering Appearance to the Bill of Revivor —	0 3 4	
Paid for Office Copy thereof, fol. 14. — —	0 12 10	
Cloſe Copy thereof — — — —	0 2 4	
Peruſing and conſidering the ſame, to ſee if it was neceſſary to put in an Anſwer thereto — — —	0 6 8	0 6 8
Paid for Office Copy Replication — — —	0 2 9	
Abbreviating the Amended Bill, and Anſwers, fol. 96, 210, 24, 15, 30=375 — — — —	3 2 10	
Making two fair Copies thereof for Counſel for the Defendants, the Executors, ſeventeen Brief ſheets each —	4 5 0	
Making Copy Brief for Counſel for the Defendant, the Heir at Law, ſeventeen Brief Sheets — — —	2 2 6	
The like for Defendant, the Mortgagee, fifteen Brief Sheets	1 17 6	
The like for the other Defendants, fifteen Brief Sheets —	1 17 6	
Fee to Mr. Cooke, to peruſe Pleadings on Behalf of the Defendants, the Executors, and to adviſe as to Evidence, if any neceſſary — — — — —	2 2 0	
His Clerk — — — — —	0 2 6	0 2 6
Attending him — — — — —	0 6 8	
Fee to Mr. Holliſt, to peruſe Pleadings on Behalf of the Defendant, the Heir at Law — — —	1 1 0	

His

	CHARGE. £. s. d.	TAX OFF. £. s. d.
His Clerk — — — — —	0 2 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Fee to Mr. Stratford, to peruſe Pleadings on Behalf of the Defendant, the Mortgagee — — —	1 1 0	
His Clerk — — — — —	0 2 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Taking Inſtructions for Interrogatories to prove the Execution of the Mortgage — — — —	0 6 8	
Drawing ſame — — — — —	0 6 8	
Fair Copy thereof for Counſel to ſettle and ſign, fol. 6 —	0 1 0	
Fee to Mr. Stratford and Clerk therewith — —	1 3 6	0 2 6
Attending him — — — — —	0 6 8	
Engroſſing Interrogatories — — — —	0 2 0	
Paid for Parchment and Duty — — —	0 3 0	
Inſtructions for Counſel to move to enlarge Publication for a Month — — — — —	0 2 6	
Fee to Mr. Stratford, to move — — —	0 10 6	
Attending him, and Court — — — —	0 6 8	0 6 8
Paid for Order, Entry, Copy, and Service — —	0 8 0	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 3 0	

MICHAELMAS VACATION, 1786.

Attending at ſeveral Places to find one of the Witneſſes to the Deed, when I learnt he was out of the Kingdom —	0 6 8	
The Defendant Joſeph Williams being the other Witneſs to the Deed, drawing Inſtructions for Counſel to move that		

he

	CHARGE £. s. d.	TAX OFF. £. s. d.
he might be examined for the Defendant, the Mortgagee, saving juſt Exceptions — — — —	0 2 6	
Fee to him therewith — — — —	0 10 6	
Attending him, and Court — — —	0 6 8	0 6 8
Paid for Order, Entry, Copy, and Service — —	0 8 0	
Attending the Defendant to the Examiner's, in order to procure him examined, and inſtructing the Examiner —	0 6 8	
Paid the Examiner's Bill — — — —	1 14 2	
Paid for Office Copy of the Plaintiff's Depoſitions, fol. 19	1 2 6	
Abbreviating the Depoſitions, fol. 36 — —	0 6 0	
Making two fair Copies for Counſel, to add to the Briefs for the Executors, three Sheets each — — —	0 15 0	
Making one Copy thereof, to add to the Brief for the Heir at Law — — — — —	0 7 6	
The like to add to the Brief for the Mortgagee — —	0 7 6	
Letters and Meſſengers — — — —	0 2 0	0 2 0

HILARY TERM, 1787.

Fee to Mr. Mansfield and Clerk, with Brief for the Defendants, the Executors — — — —	6 8 6	
Attending him — — — — —	0 6 8	
Fee to Mr. Cooke and Clerk, with Brief for them —	3 5 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Fee to Mr. Hollift, with Brief for Defendant, the Heir at Law, and Clerk — — — —	4 6 6	
Attending him — — — — —	0 6 8	

Fee

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Fee to Mr. Stratford, with Brief for Defendant the Mortgagee, and Clerk — — — —	4 6 6	
Attending him — — — — —	0 6 8	
Fee to Mr. Simeon, with Brief for the other Defendants, and Clerk — — — — —	3 5 6	
Attending him — — — — —	0 6 8	
March 9th and 10th. Attending Court each of theſe Days; the Cauſe in the Paper, but not called on — —	0 13 4	
—— 11th. Attending Court; Cauſe called on, and Part heard — — — — —	0 13 4	0 6 8
Paid Clerk in Court for his Attendance — —	0 6 8	
—— 12th. Attending the Court when the Cauſe was fully heard, and the Decree made, Clerk, and Solicitor —	1 0 0	0 6 8
Paid Court Fees, and Officers — — —	0 13 0	
Paid for a Copy of the Minutes — — —	0 12 0	
Making a Copy thereof — — — —	0 3 6	
Peruſing the ſame, and attending the Plaintiffs' Solicitor, on his requeſting to have an Alteration made therein, and attending with him to the Regiſter Office thereon —	0 13 4	0 6 8
The Plaintiffs having given a Notice of Motion to rectify the Minutes, peruſing Papers, and taking Inſtructions to draw Brief thereon — — — — —	0 6 8	0 6 8
Drawing ſame, and fair Copy for Counſel — —	0 10 0	
Copy of the Minutes for him — — —	0 3 6	
Fee to Mr. Cooke, with Brief, and Clerk — —	1 3 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Attending the Court on Motion, when the Minutes were ordered to be rectified — — — —	0 6 8	

Attending

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending the Regiſter to have the Minutes rectified, agreeable to the Order — — — —	0 6 8	0 6 8
Paid for a Copy of the Minutes as rectified — —	0 13 0	
Peruſing and conſidering the ſame, and attending the Plaintiffs' Solicitor, and the Regiſter, finally ſettling the ſame —	0 6 8	0 6 8
Paid for Office Copy of the Decree — — —	5 8 6	
Attending the Regiſter examining and paſſing the Decree, the whole Morning — — — —	0 13 4	0 6 8
Attending the Defendants, the Executors, conferring and adviſing on the Decree, and on the further Proceedings in conſequence — — — — —	0 6 8	0 6 8
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 5 0	0 2 0

EASTER TERM, 1787.

Paid for a Copy of Interrogatories left for the Examination of the Defendants, the Executors, fol. 16 — —	0 10 8	
Peruſing and conſidering the ſame — — —	0 6 8	0 6 8
Making a Copy thereof for each of the Defendants, the Executors — — — — — —	0 5 4	
Attending them adviſing thereon, and inſtructing them in the Manner in which the Anſwer thereto muſt be drawn —	0 13 4	0 6 8
May 14. Attending a Warrant to ſettle the Interrogatories, when the ſame were allowed — — —	0 6 8	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

TRINITY TERM, 1787.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending the Defendants, the Executors, taking Inſtructions for Anſwer to the Interrogatories — — —	0 13 4	0 6 8
Drawing the ſame, fol. 230 — — —	5 15 0	
Fair Copy thereof for the Defendants, the Executors' Peruſal	1 18 4	
Attending them afterwards, going through and ſettling the ſame — — — — —	0 13 4	0 13 4
Fee to Mr. Cooke to ſettle and ſign ſame, and Clerk —	2 4 6	0 2 6
Attending him — — — — —	0 6 8	
Engroſſing the ſame, fol. 230 — — —	3 16 8	
Paid for Parchment and Duty, ſix Skins — —	1 10 0	
Attending the Defendants, reading the ſame over to them, and afterwards to the Maſter's Office to get them ſworn thereto — — — — —	0 13 4	0 6 8
Paid Oaths — — — — —	0 2 0	
Paid on leaving the ſame — — — —	0 5 0	
Warrant on leaving, Copy, and Service — —	0 3 0	
The Plaintiffs having procured the Examination to be referred to the Maſter, attending Warrant thereon, when the Maſter required a further Anſwer to be put in to the Interrogatories — — — —	0 6 8	
Attending the Defendants ſeverally, taking Inſtructions for further Examination — — — —	0 13 4	0 13 4
Drawing ſame, fol. 12 — — — —	0 6 0	
Fair Copy thereof for Counſel — — —	0 2 0	0 2 0
Attending the Defendants reading over and ſettling the ſame	0 6 8	0 6 8

Fee

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Fee to Mr. Cooke, to ſettle and ſign ſame, and Clerk —	1 3 6	1 3 6
Attending him — — — — —	0 6 8	0 6 8
Engroſſing further Examination — — —	0 4 0	
Paid for Parchment and Duty — — —	0 3 6	
Attending the Defendants reading over the ſame, and afterwards to the Maſter's Office to get them ſworn thereto —	0 6 8	0 6 8
Paid Oath — — — — —	0 2 0	0 2 0
Paid on leaving Examination — — —	0 5 0	0 5 0
Warrant on leaving ſame, Copy, and Service — —	0 3 0	
The Plaintiffs' Solicitor having taken out a Warrant for the Defendants, the Executors, to produce the Books and Papers, &c. attending them thereon, and ſelecting out the ſame for that Purpoſe, and taking Inſtructions for Affidavit of Production — — — —	0 6 8	
Drawing Affidavit, fol. 15 — — — —	0 7 6	
Fair Copy thereof for the Defendants — —	0 2 6	
Attending them reading over and ſettling the ſame —	0 6 8	
Engroſſing the Affidavit, and paid for Paper and Duty —	0 4 7	
Attending the Defendants reading over the ſame, and afterwards to the Maſter's Office to get them ſworn thereto, and to leave Books and Papers, &c. — — —	0 6 8	
Paid Oaths — — — — —	0 2 0	
Paid the Maſter's Clerk comparing the Schedule to the Affidavit with the Books and Papers left — —	0 6 8	
Paid for a Box for the ſame — — —	0 3 6	
Paid for Certificate of Books and Papers being left —	1 5 0	
Paid filing ſame, and for Office Copy — —	0 4 10	
Warrant on leaving, Copy, and Service — —	0 3 0	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending the Plaintiffs' Warrant to inſpect the Books and Papers left — — — — —	0 6 8	
Paid for a Copy of the Charge of the Perſonal Eſtate againſt the Defendant Wilſon, fol. 80 — — —	2 0 0	
Making a Copy thereof for the ſaid Defendant — —	0 13 4	
Peruſing and conſidering the ſame, and attending the ſaid Defendant conferring and adviſing thereon — —	0 6 8	0 6 8
Paid for a Copy of the like Charge againſt the Defendant Johnſon, fol. 26 — — — —	0 13 0	
Making a Copy thereof for the ſaid Defendant — —	0 4 4	
Peruſing and conſidering the ſame, and attending him conferring and adviſing thereon — — —	0 6 8	0 6 8
June 6th. Attending Warrant on each Charge, and proceeded — — — — —	0 13 4	
—— 8th. Attending another Warrant on each Charge, when the ſame were allowed — — —	0 13 4	
Attending the Defendants ſeverally, taking Inſtructions for their Diſcharges — — — —	0 6 8	0 6 8
Drawing the Diſcharge of the Defendant Wilſon, fol. 41 —	1 0 6	
Warrant on leaving ſame, Copy, and Service — —	0 3 0	
Drawing the Diſcharge of the Defendant Johnſon, fol. 18 —	0 9 0	
Warrant on leaving ſame, Copy, and Service — —	0 3 0	
Warrant to proceed thereon, Copy, and Service —	0 3 0	
Warrant to proceed on the Defendant Wilſon's Diſcharge, Copy, and Service — — — —	0 3 0	
—— 16th. Attending both Warrants, and proceeded —	0 13 4	
Another Warrant to proceed on each of the Diſcharges, Copies, and Service — — — —	0 6 0	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
June 18th. Attending each Warrant, when the Diſcharges were allowed — — — —	0 13 4	
Attending the Defendant Clarke, the Mortgagee, conferring on the Account made out by him of the Money due on his Mortgage, and taking Inſtructions to prepare Charge thereon — — — — —	0 6 8	0 6 8
Drawing the ſame, fol. 4 — — — —	0 2 0	
Warrant on leaving the ſame, Copy, and Service —	0 3 0	
Warrant to proceed thereon, Copy, and Service —	0 3 0	
Attending thereon, when the Charge was allowed —	0 6 8	
Paid for a Copy of a Claim of Debt made by John Stephens, a Creditor on Bond, and ſeveral Notes of Hand, fol. 10 —	0 5 0	
Paid for a Copy of Affidavit made in ſupport thereof, fol. 8	0 4 0	
Making a Copy thereof, ſent to the Defendants, the Executors	0 3 0	
Attending them, conferring and adviſing thereon —	0 6 8	0 6 8
Attending with them on the Plaintiffs' Warrant to inſpect the Books and Papers, &c. when it appeared there was a Debt due to the Deceaſed from Mr. Stephens, which ſhould be ſet off againſt his Claim on the Notes — —	0 6 8	
June 14th. Attending a Warrant on the Creditor's Claim, when his Demand on the Eſtate was ſettled — —	0 6 8	
Paid for a Copy of the Propoſal for the Maintenance of the Plaintiffs, the Infants, fol. 10 — — —	0 5 0	
The like of Affidavit in ſupport thereof — —	0 5 0	
Making Copies thereof for the Defendants, the Executors —	0 3 4	
Attending them conferring and adviſing thereon, and as to the Propriety of allowing the Sums mentioned in their Propoſal for the Maintenance — — — —	0 6 8	
Attending a Warrant on the Propoſal, when the ſame was allowed — — — — —	0 6 8	

The

	CHARGE. £. s. d.	TAX OFF. £. s. d.
The Plaintiffs having obtained an Order for a ſeparate Report, in order to procure the Maintenance for the Plaintiffs, the Infants, paid for Copy of the Report, fol. 90 — —	2 5 0	
Making a Copy thereof — — — —	0 15 0	
Peruſing and conſidering the ſame, and making ſeveral Alterations and Corrections therein — — —	0 13 4	0 13 4
Attending the Defendants, the Executors, conferring and adviſing thereon — — — —	0 6 8	0 6 8
Attending three Warrants, to ſettle the Report, when the ſame was allowed — — — —	1 0 0	
Paid for a Copy of the Plaintiffs' Charge againſt the Defendant Johnſon, for Rents and Profits of Teſtator's Eſtate received by him, fol. 12 — — — —	0 6 0	
Copy thereof for the Defendant — — —	0 2 0	
Attending a Warrant thereon, when the Charge was allowed	0 6 8	
Attending the Defendant, taking Inſtructions for Diſcharge	0 6 8	0 6 8
Drawing ſame, fol. 8 — — — —	0 4 0	
Warrant on leaving the ſame, Copy, and Service —	0 3 0	
Warrant to proceed thereon, Copy, and Service —	0 3 0	
Attending thereon, when the ſame was allowed — —	0 6 8	
Attending the Plaintiffs' Solicitor, conferring and adviſing on the Propriety of ſtating a Caſe for the Opinion of Mr. Morgan, the Actuary of the Equitable Society at Blackfriars Bridge, on the Value of the contingent Intereſt in the Sum of Money charged on the Eſtates; and peruſing and ſettling a Caſe prepared by the Plaintiffs' Solicitor for that Purpoſe — — — — —	0 6 8	
Attending the Plaintiffs' Solicitor, conferring and adviſing on the Opinion of Mr. Morgan on the Caſe ſtated to him, &c.	0 6 8	0 6 8

	CHARGE £. s. d.	TAX OFF. £. s. d.
The Plaintiff having applied for a Commiſſion to examine Witneſſes in the Country, as to the Rental, and Value of the Eſtates, attending the Defendants, the Executors, adviſing thereon, and for Commiſſioners Names —	0 6 8	
Writing to Mr. of on the Subject of the Commiſſion to be executed at and to requeſt his Attendance thereto, and giving him Inſtructions thereon	0 5 0	
Writing to the Commiſſioners thereon — —	0 5 0	
The Plaintiffs, the Infants, having preſented a Petition to confirm the Maſter's Report for the Allowance of Maintenance, making a Copy thereof for Counſel to appear on the Hearing, eight and a Half Brief Sheets — — —	1 1 3	
To Mr. Cooke therewith, and Clerk — — —	2 4 6	0 2 6
Attending him — — — — —	0 6 8	
July 31ſt. Attending Court; Petition in the Paper, but not called on — — — — —	0 6 8	
Attending Court; Petition heard, and Order made —	0 13 4	0 6 8
Paid Court Fees — — — —	0 10 6	
Peruſing the Order as drawn up by the Regiſter, and attending paſſing the ſame — — — —	0 6 8	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 6 0	0 2 0

MICHAELMAS TERM following.

Paid Mr. of his Bill on executing the Commiſſion, &c. — — — —	10 8 4	
Paid Clerk in Court for an Office Copy of the Depoſitions of Witneſſes, taken under the Commiſſion, fol. 66 —	3 0 6	

Abbreviating

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Abbreviating the ſame — — — —	0 11 0	
Peruſing and conſidering the ſame, and making Minutes thereon — — — — —	0 13 4	0 13 4
Attending the Defendants, the Executors, conferring and adviſing thereon — — — —	0 6 8	0 6 8
Paid for a Copy of Mr. Morgan's Depoſition of the Value of the contingent Intereſt, fol. 8 — — —	0 7 4	
Abbreviating the ſame — — — —	0 1 4	
Paid for a Copy of the Plaintiffs' State of Facts reſpecting the Freehold and Leaſehold Eſtates of which the Teſtator died ſeiſed or poſſeſſed, fol. 16 — — —	0 8 0	
Fair Copy thereof for the Executors and Deviſees in Truſt	0 2 8	
Attending a Warrant thereon, when the ſame was allowed	0 6 8	
Paid for a Copy of the Particular of the Eſtates to be ſold, fol. 15 — — — — —	0 7 6	
Attending the Plaintiffs' Warrant thereon, when the ſame was ſettled — — — — —	0 6 8	
Attending Warrant to fix a Time for the Sale, when the 26th January, at ſix, was appointed — — —	0 6 8	
Paid for a Copy of the State of Facts, reſpecting the Rentals, and Values of the Eſtates, and alſo the Value of the contingent Intereſt in the Sum charged thereon, fol. 24 —	0 12 0	
Copy thereof for the Defendants, the Executors —	0 4 0	
July 12th. Attending them conferring and adviſing thereon, and on Objections to be made thereto — —	0 6 8	0 6 8
—— 14th. Attending a Warrant on the State of Facts, and proceeded — — — — —	0 6 8	
—— 16th. Attending another Warrant thereon, when the Maſter allowed the State of Facts — — —	0 6 8	

Paid

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid for a Copy of the Plaintiffs' Coſts, up to the Hearing, fol. 68 — — — — —	1 14 0	
Attending three Warrants taxing ſame, Clerk, and Solicitor	2 0 0	
Paid for a Copy Coſts of the Defendants, the Aſſignees of William Lawrence, fol. 16 — — —	0 8 0	
Attending taxing ſame, Clerk, and Solicitor — —	0 13 4	
Paid for a Copy of the Coſts of the Defendant Charles Williams, fol, 40 — — — —	1 0 0	
Attending two Warrants taxing ſame, Clerk, and Solicitor -	1 6 8	
Drawing Bill of Coſts, fol. 52. — — —	1 6 0	
Attending three Warrants taxing the ſame, Clerk, and Solicitor — — — — —	2 0 0	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 6 0	0 3 0

HILARY TERM, 1788.

January 26th. Attending the Sale of the Eſtates at the Maſter's Chambers — — — —	0 13 4	
Paid for a Copy of further Charge againſt the Defendant Johnſon, for Rents and Profits, fol. 6 — —	0 3 0	
Attending a Warrant thereon, when the ſame was allowed -	0 6 8	
Drawing Diſcharge in reſpect thereof, fol. 4 — —	0 2 0	
Attending Warrant thereon, when the ſame was allowed —	0 6 8	
Paid for a Copy of the Maſter's General Report, fol. 150 —	3 15 0	
Making a Copy thereof — — —	1 5 0	
Peruſing and conſidering the Report, and making ſeveral Alterations and Corrections therein — —	0 13 4	0 13 4
Attending ten Warrants, to ſettle the ſame — —	3 6 8	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Drawing Brief for Counſel for the Defendants the Executors, on the Cauſe coming on for further Directions, ſeven Brief Sheets — — — —	2 6 8	
Making two fair Copies thereof for Counſel — —	1 15 0	
To Mr. Mansfield and Clerk, with Brief — —	5 7 6	
Attending him — — — — —	0 6 8	
To Mr. Cooke and Clerk, with Brief — —	3 5 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Drawing Brief for the Defendant, the Mortgagee, five Sheets	1 13 4	1 0 0
Fair Copy thereof for Counſel — — —	0 12 6	
To Mr. Stratford and Clerk therewith — —	3 5 6	
Attending him — — — — —	0 6 8	
Drawing Brief for the other Defendants, five Sheets —	1 13 4	1 6 8
Fair Copy thereof for Counſel — — —	0 12 6	
To Mr. Holliſt and Clerk therewith, for the Heir at Law —	2 4 6	
Attending him — — — — —	0 6 8	
To Mr. Simeon and Clerk therewith, for the other Defendants — — — — —	2 4 6	
Attending him — — — — —	0 6 8	
Feoruary 24th. Attending Court; Cauſe in the Paper, but not called on — — — —	0 13 4	0 6 8
——— 25th. The like; Cauſe heard, and Order made	0 13 4	0 6 8
Paid Clerk in Court for his Attendance — —	0 6 8	
Paid Court Fees, and Officers — — —	0 13 0	
Paid for a Copy of the Minutes — — —	0 15 0	
Peruſing, and attending the Regiſter, ſettling the ſame —	0 6 8	
Paid for an Office Copy of the Order — —	4 3 6	

Peruſing

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Peruſing ſame, and attending the Regiſter examining it, and on paſſing the original Decree — — —	0 13 4	0 6 8
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 4 0	

EASTER TERM, 1788.

Attending the Accountant General, receiving Coſts —	0 6 8	0 6 8
Paid filing Certificate of Payment thereof — —	0 3 6	
Paid for a Copy of John Stephens's Claim of ſubſequent Intereſt on his Debt, proved in the Cauſe, fol. 3 —	0 1 6	
Attending Warrant thereon, when the ſame was allowed —	0 6 8	
Paid for a Copy of the Conveyance from the Defendant, the Mortgagee, left with the Maſter, fol. 90 — —	3 0 0	
Peruſing and conſidering the ſame, and comparing the ſame with the Deeds and Proceedings in the Cauſe —	1 1 0	1 1 0
Paid for a Copy of the Aſſignment of the Term, fol. 45 —	1 10 0	
Peruſing and conſidering the ſame, and comparing the ſame with the Deeds — — — —	0 13 4	0 13 4
Paid for a Copy of the Leaſe for a Year, fol. 15 —	0 10 0	
Peruſing and conſidering the ſame — — —	0 6 8	0 6 8
Attending Warrant to ſettle the Leaſe for a Year, when the ſame was allowed — — — —	0 6 8	
Attending two Warrants to ſettle the Releaſe, when the ſame was allowed — — — — —	0 13 4	
The like of Aſſignment of the Term — —	0 13 4	
Drawing Charge of ſubſequent Intereſt due to the Defendant, the Mortgagee, fol. 3 — — — —	0 1 6	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Warrant on leaving the ſame, Copy, and Service —	0 3 0	
Warrant to proceed thereon, Copy, and Service —	0 3 0	
Attending thereon, when the Charge was allowed —	0 6 8	
Attending the Defendant, the Mortgagee, reading over, and executing all the Deeds — — — —	1 0 0	0 6 8
The Plaintiffs having given a Notice of Motion that the Defendants, the Executors, might pay in their Balances in a Fortnight, attending the Defendants thereon, when they directed me to apply for longer Time — —	0 6 8	0 6 8
Attending the Plaintiffs' Solicitor thereon, when he refuſed to conſent to any longer Time — — —	0 6 8	0 6 8
Drawing Brief for Counſel on Motion — —	0 6 8	
Copy thereof — — — — —	0 2 6	
Copy of Notice of Motion annexed — — —	0 1 0	0 0 6
Fee to Mr. Cooke therewith — — —	1 1 0	
Attending him — — — — —	0 6 8	0 6 8
Attending Court on Motion, when an Order was made that the Money ſhould be paid into Court within a Month —	0 6 8	
Attending the Defendants, the Executors, conferring and adviſing on a Writ of Execution of the Order having been ſerved on them, and the Neceſſity of their immediately paying the Money into Court — — —	0 6 8	0 6 8
Attending them afterwards, on an Attachment being iſſued, and adviſing thereon, when they furniſhed me with the Money to pay the ſame — — — —	0 6 8	0 6 8
Drawing Notice of Motion for Leave to pay the Money into Court, Copy, and Service — — —	0 3 0	0 3 0
Drawing and engroſſing Affidavit of the Service thereof, Duty, and Oath — — — — —	0 6 7	0 6 7

Paid

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid filing the ſame, and for an Office Copy thereof —	0 5 7	0 5 7
Drawing Brief for Counſel to move, and fair Copy for him	0 10 0	0 10 0
Fee to him therewith — — — —	1 1 0	1 1 0
Attending Court, when an Order was made to pay the Money into Court in a Week — — — —	0 6 8	0 6 8
Paid for Order, Entry, Copy, and Service — —	0 13 0	0 13 0
Attending the Regiſter paſſing the ſame — —	0 6 8	0 6 8
Attending at the Accountant General's for directions, and at the Bank, for the Purpoſe of paying the Money into Court — — — — —	0 6 8	
Paid for Certificate of paying in the Principal by the Defendant Wilſon, filing ſame, and for Office Copy —	0 4 10	
The like of Intereſt — — — —	0 4 10	
The like Certificates of Payment by the Defendant Johnſon	0 9 8	
The like of Rents and Profits paid in by him — —	0 4 10	
Attending taxing and ſettling the Coſts of Contempt —	0 6 8	0 6 8
Paid for a Copy of the Plaintiffs' Propoſal of a Receiver, fol. 4	0 2 0	
Attending ſeveral of the Defendants conferring and adviſing thereon, and on the Propriety of oppoſing the Appointment, and propoſing ſome other Perſon — —	0 6 8	
Drawing Propoſal of Receiver, fol. 5 — —	0 2 6	0 2 6
Warrant on leaving ſame, Copy, and Service — —	0 3 0	0 3 0
Attending the Plaintiffs' Warrant thereon, when the Maſter rejected the Propoſal — — — —	0 6 8	0 6 8
Attending Warrant on the Plaintiffs' Propoſal, when the Maſter allowed the ſame — — —	0 6 8	
Paid for a Copy Draught Recognizance, fol. 16 —	0 8 0	

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Attending ſettling ſame — — — —	0 6 8	
Paid for Copy Report, approving Receiver, and Recognizance — — — — —	0 4 0	
The like of Report, appointing Receiver — —	0 4 6	
Attending ſettling the ſame — — —	0 6 8	
Paid for a Copy of the Plaintiffs' Coſts ſubſequent to the Hearing, fol. 106 — — — —	2 13 0	
Attending four Warrants, taxing ſame, Clerk, and Solicitor	2 13 4	
Paid for a Copy Bill of Coſts of the Defendants, the Aſſignees of William Lawrence, fol. 40 — —	1 0 0	
Attending two Warrants, taxing ſame, Clerk, and Solicitor	1 6 8	
Paid for a Copy Bill of Coſts of the Defendant Charles Williams, fol. 30 — — — —	0 15 0	
Attending taxing the ſame, Clerk, and Solicitor —	0 13 4	
Drawing this Bill of Coſts, fol. 68 — — —	1 14 0	
Warrant on leaving ſame, three Copies, and Service —	0 5 0	
Two Warrants to tax ſame, three Copies, and Service —	0 10 0	
Attending taxing ſame, Clerk, and Solicitor — —	1 6 8	
Attending to receive the Coſts, and to file the Certificate thereof — — — — —	0 6 8	0 6 8
Paid filing the Certificate — — — —	0 3 6	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 4 0	

PRACTICAL

PRACTICAL DIRECTIONS,

AND

REMARKS,

Relating to the foregoing Bill of Coſts, and to the Proceedings in general on the Part of a Defendant in the Court of Chancery.

HILARY TERM, 1786.

THE Defendant, if he reſides in Town, or within twenty miles thereof, and has been ſerved with the Subpœna four days or more before its Return, has until the Return-day to enter his Appearance. But if ſerved on the Return-day, or only a day or two previous, he need not enter his Appearance until the expiration of four days after the Service. In a Country Cauſe, the Defendant has eight days, computed in the ſame manner from the Return or Service of the Writ, before he is obliged to appear. If a Wife be joined with the Huſband, and the Subpœna is duly ſerved, the Huſband muſt enter an Appearance for both. The Appearance is entered by the Clerk in Court, on a Note to the following effect being left with him:—"Mr. Van Heythuyſen, enter an Appearance for *A B*, *C D*, and *E F* his "Wife, at the Suit of *G H*, and others. Johnſon, Solicitor."—With this Note a Warrant, on a 2*s*. 6*d*. Stamp, ſhould be left, agreeably to the Act of Parliament of 25th George III. Cap. 80.

Should the Plaintiff neglect to file his Bill by the time required for the Defendant's entering his Appearance to the Subpœna, the Defendant may prefer Coſts for the Default: This is done by the Clerk in Court, who makes an Entry

in

in the Book kept for that purpoſe in the Six Clerks' Office. The Defendant may prefer Coſts at any time during the Term in which the Subpœna is returnable, or within eight days after, but at no other period. The Coſts allowed to the Defendant, on preferring Coſts, are in a Town Cauſe £. 1. 3*s*. 4*d*.; in a Country Cauſe £. 1. 6*s*. 8*d*.; and the Plaintiffs' Clerk in Court will not afterwards be permitted to file the Bill (unleſs the Defendants' Clerk in Court conſent to accept it) without obtaining an Order for leave to file it nunc pro tunc, which will be granted of courſe (on Application to the Court by Motion, or to the Rolls by Petition), on payment of Coſts. When the Bill has been duly filed, the Defendant, in a Town Cauſe, is allowed eight days after his Appearance to put in an Anſwer; in a Country Cauſe he has until the firſt day of the next Term after his Appearance, to ſue out a Commiſſion for taking his Anſwer. At the expiration of this time, the Plaintiff's Clerk in Court will give a Note to the Clerk in Court for the Defendant, importing that an Attachment for want of the Anſwer will immediately iſſue. To prevent this, if the Defendants' Solicitor is not prepared to put in the Anſwer, he muſt apply for time, which will be granted, on a Motion being made to the Court any day in Term, or at the Seals after, or at the Rolls on thoſe days when his Honour ſits to hear Cauſes; it may be alſo obtained by Petition to the Maſter of the Rolls. The Defendant may have three * Orders for time to put in his Anſwer granted of courſe. The length of time allowed in a Town Cauſe is a month by the firſt Order, three weeks by the ſecond, and a fortnight by the third: In a Country Cauſe, ſix weeks by the firſt, a month by the ſecond, and a fortnight by the third. To obtain the firſt Order for time, either petition the Maſter of the Rolls (for which ſee a form in the Appendix. under title "Petitions," N° 39) or give a Motion Paper to Counſel, in the following form:

* But now by order of the Court, dated 23d January 1794, the Defendant on the third Application for time to anſwer, muſt conſent to enter his Appearance with the Regiſter by his Clerk in Court in four days, conſenting that the Serjeant at Arms ſhall go againſt him as on a Commiſſion of Rebellion, returned non eſt inventus, in caſe he doth not put in his Anſwer by the time granted: And on a ſecond Application for time to anſwer an amended Bill, or after Exceptions allowed, the Defendant is to conſent to the ſame terms. But this Order is not to preclude an Application to the Court for further time, under ſpecial circumſtances.

" LAWRENCE
" againſt } Brief,
" WILSON.

" To move that the Defendants, Wilſon and Johnſon, may have a month's " time to plead, anſwer, or demur, not demurring alone. Firſt Application, " and not in Contempt."

" Mr. Cooke, Half a Guinea."

At the bottom put the name of the Solicitor, and on ſome part of the Motion Paper (uſually on the inſide) the Title of the Cauſe, by inſerting the firſt Plaintiff, and the names of the Defendants for whom the Application is made *, that the Regiſter may draw up the Order without waiting for further Inſtructions. The Motion having been made, the Order will be directed of courſe, and the Counſel will ſign his name to the Motion Paper, which muſt be left with the Regiſter to enable him to draw the Order. Pay the Regiſter, on leaving the Motion Paper, *4s. 6d.* When the Order is drawn up, ſee that it is free from miſtakes, and the Regiſter, or his Clerk at his Seat, will then paſs it, that is, put the initials of the Regiſter's name in the margin at the Bottom of the Order. Make a Copy of the Order, and give it to the proper Entering Clerk, who will mark the original Order 'Entered,' and will afterwards enter it in his Books from the Copy left with him. Serve another Copy of the Order on the Plaintiffs' Clerk in Court; as it muſt be remembered that the obtaining of the Order is no ſtay of an Attachment, until it is ſerved.

When the Defendant reſides in the Country, and it is therefore neceſſary to ſue out a Commiſſion to take his Anſwer, a Prayer ſhould be added to the Motion †, to this effect—" And that the Defendant may have a Commiſſion to take his ſaid " Anſwer, Plea, or Demurrer, with the uſual Directions."

* Thus—" John Lawrence, and others, — — — — — — Plaintiffs,
" and
" George Wilſon, William Johnſon, and others, — — Defendants.

† For the form of the Prayer of a Petition for this purpoſe, ſee title " Petitions," in the Appendix, N° 38.

HILARY VACATION.

IF the Anſwer be not ready at the expiration of the time granted by the firſt Order, another muſt be obtained, which in the Vacation, after the Seals, muſt be applied for by Petition (uſually to the Maſter of the Rolls). This Order, being the ſecond, is ſtiled a peremptory Order: But a third Order, giving a fortnight's further time, will ſtill be granted, on the Defendant's conſenting to enter his Appearance with the Regiſter, purſuant to the Order of Court of 23d January, 1794, and is done by the Clerk in Court on being Inſtructed for that purpoſe.

The Petition for further time being engroſſed on treble 6*d.* Paper, muſt be left at the Secretary's Office at the Rolls. When anſwered, 5*s.* 6*d.* muſt be paid. The Petition, being obtained from the Rolls, muſt be left with the proper Officer (Mr. Bird) at the Regiſter's Office, together with the former Order. He will then draw up and paſs the Order for further time, which muſt be entered and ſerved in the manner before directed.

EASTER TERM, 1786.

ON the expiration of the ſecond Order, if the Anſwer is not prepared, Application muſt be made for a third, either by Motion or Petition. If by Motion, it ſhould be ſtated as Inſtructions that two Orders only have been had; the third will then be granted, on the terms of the Defendant entering his Appearance with the Regiſter in four days, conſenting that a Serjeant at Arms ſhall go againſt him, as on a Commiſſion of Rebellion, returned non eſt inventus, in caſe he does not put in his Anſwer by the time then granted. The Motion Paper together with ſecond Order for time muſt be left with the Regiſter who will draw up the Order. The Defendants' Clerk in Court muſt within four days after the Date of the Order enter the Defendants' Appearance with the Regiſter, purſuant to the Order of Court of the 23d January, 1794, before mentioned, a Certificate whereof from one

one of the Regiſters ſhould be taken on the Order, and the Order (being entered) muſt be ſerved with a Copy of the Regiſter's Certificate thereto.

After this Order, if the Defendant ſhould require any further time, an Application to the Court muſt be made on Motion, of which Notice muſt be given in the uſual way and ſupported by an Affidavit, ſtating the ſpecial circumſtances of the caſe, which make the Application neceſſary.

The Defendant having furniſhed proper Inſtructions for his Anſwer, it may be drawn by the Solicitor. But it is uſual for the Solicitor, after having procured full Inſtructions, to lay them, with a Copy of the Bill, before his Counſel, who will draw and ſign the Anſwer, which muſt always*, *in a Town Cauſe*, be ſigned, though it be not drawn by Counſel.

So various are the Defences which it may be neceſſary to make to a Bill, that it will be always prudent to ſubmit the ſubject to Counſel, whoſe particular province it is to conſider whether it be proper to plead or demur to the whole, or any parts of the Bill, or what points or queſtions may be made for the Defendant's benefit.

TRINITY TERM, 1786.

THE Anſwer muſt be engroſſed on Parchment, with a 2*s.* 6*d.* Stamp, and, if in Town, ſworn before a Maſter in Chancery, either at the Public Office, at his Houſe, or Chambers, where it muſt be left for the Clerk in Court, who, on being informed by the Solicitor, will call for and file it. If an Infant is a Defendant, the Anſwer muſt be put in by a Guardian appointed for that purpoſe, which Appointment may be obtained, according to the reſidence of the Infant, as follows: If the Infant reſides in Town, or within a convenient diſtance, the Appointment of a Guardian may be made by the Lord Chancellor, or Maſter of the Rolls, in Court, which is effected in the following manner—the Solicitor gives proper Inſtructions to his Six Clerk, who will attend with him, the Infant, and Guardian, either before the Chancellor in Court, or before the Maſter of the Rolls, at the Rolls.

* An Anſwer taken by Commiſſion in the Country need not be ſigned by Counſel.

Rolls. The Clerk in Court gives a Note to the Regiſter, with the Title of the Cauſe, the Name of the Infant Defendant, and his intended Guardian (who is uſually one of the next of kin to the Defendant). The Regiſter informs the Chancellor, or Maſter of the Rolls, as the Caſe may be, of the Application; and the Infant and Guardian, being introduced into the preſence of the Chancellor or Maſter of the Rolls, the Order is directed to be made of courſe, and may be obtained from the Regiſter's Office, by applying at the Seat of the Regiſter who ſat in Court on that day. The Order muſt be entered and ſerved, and be ſhewn to the Clerk at the Public Office, when the Anſwer is ſworn by the Guardian; and muſt be left with the Clerk in Court, as an authority for filing the Anſwer.

When the Infant reſides in the Country, a Commiſſion to appoint a Guardian, and to take the Anſwer by ſuch Guardian, may be obtained. For this purpoſe an Order will be granted on Motion, or by Petition to the Maſter of the Rolls.

If the Defendant ſhould be a Lunatic, againſt whom a Commiſſion de Lunatico inquirendo has iſſued, the Committee appointed by the Lord Chancellor in the Lunacy (unleſs intereſted in the Cauſe againſt the Lunatic) will be appointed Guardian, by whom the Lunatic may anſwer and defend the Suit; and for this purpoſe a Motion muſt be made to the Court, or a Petition preferred to the Maſter of the Rolls *. But if no Commiſſion de Lunatico inquirendo has iſſued againſt ſuch Lunatic Defendant, a Guardian muſt be appointed, by whom ſuch Defendant may anſwer and defend the Suit.

Any Perſon who from age, infirmity, idiotiſm, or the effects of ſickneſs, or by any other means, is rendered incapable of managing his own affairs, or, underſtanding the nature of a Defence to a Bill in Chancery, may have ſuch Guardian aſſigned to him, for the purpoſe of putting in his Anſwer, and defending the Suit.

The Bill of Coſts ſuppoſes a Defendant to be a married Woman, in an unſound ſtate of mind, and to be deſerted by her Huſband. That ſhe may put in her

* For the form of this Petition ſee title "Petitions," in the Appendix, No 46.

Anſwer, a Guardian muſt be aſſigned her by Commiſſion *. In order to ground an Application for leave to iſſue this Commiſſion, an Affidavit muſt be made of her ſtate of mind, a form of which is given in the Appendix, under the title "Affida-"vits," N° 2. This Affidavit muſt neceſſarily vary with the circumſtances of the Caſe. It is uſually made by ſome medical Gentleman who has attended the Defendant; but any other Perſon acquainted with the Defendant's ſituation may make the Affidavit, which being filed, and an Office Copy to read in Court had, the Motion will be granted of courſe. Where a married Woman in ſuch a ſtate of mind is deſerted by her Huſband, a Motion may be made that ſhe may anſwer the Bill ſeparate from her Huſband, which will alſo be granted of courſe. The two Orders will be drawn up on the Motion Paper's being left at the Regiſter's Office, and, when paſſed and entered, muſt be ſerved on the Plaintiffs' Clerk in Court, who muſt alſo be furniſhed with Names to inſert in the Commiſſion for aſſigning a Guardian. He will call for Names from the Clerk in Court for the Plaintiff, and make out the Commiſſion. The Commiſſioners muſt then attend the Defendant, aſſign her a Guardian, and take the Anſwer by ſuch Guardian. Or, if the Anſwer is merely of courſe, and the Plaintiff is willing to take it without Oath, the Commiſſion may be had to aſſign a Guardian only. The Return made to this Commiſſion in either caſe is as follows:

"In Chancery. Between, &c.

"To the Right Honourable the Lord High Chancellor of Great Britain.

"We do humbly certify to your Lordſhip, that by virtue of the Commiſſion "hereunto annexed, we have called *A*, the Wife of *I B*, a Perſon of unſound "mind, before us; and we have, this day of at

* A Guardian to an Idiot, Lunatic, or Perſon of unſound mind (againſt whom a Commiſſion of Lunacy has not been iſſued) may be appointed by a Maſter, on a Reference to him for that purpoſe by an Order, which will be granted of courſe, either on Motion, or by Petition to the Maſter of the Rolls. The Appointment is made by the Maſter's Report, which is filed, and an Office Copy muſt be had to ſhew the Maſter, together with the Order under which it was made, at the time the Anſwer is ſworn by the Guardian ſo appointed. The Clerk in Court will file the Anſwer, on the Office Copy of the Report, with the Order, being ſhewn to him. To ground an Application for this Order, an Affidavit of the ſtate of the Defendant's mind muſt he made.

"aſſigned

" aſſigned *C D* to be her Guardian, by whom ſhe may anſwer the Plaintiffs' " Bill, and defend this Suit. *And the Anſwer of the ſaid* A *by her ſaid Guar-* " *dian was taken, and the ſaid* C D *was ſworn to the truth thereof on the holy* " *Evangeliſts, at the houſe of at aforeſaid.* Given " under our hands, *E F, G H.*"

To be indorſed on the Writ—" The Execution of this Writ appears in the " Schedule hereunto annexed. *E F, G H.*"

A Commiſſion may be iſſued to aſſign a Guardian for a Defendant in either of the above ſituations, although ſuch Defendant reſides in London; as it might be highly improper and unſafe to bring ſuch a Defendant into Court.

The Application for a Commiſſion may be either made by a Motion in Court, or by a Petition to the Maſter of the Rolls, for the form of which ſee the Appendix, title " Petitions," N° 53.

If the Plaintiffs ſhould apply to the Court on the admiſſion of the Defendants, who are Executors, of any ſums ſtanding in their Names or in the Name of their Teſtator, to have the ſame transferred to the Accountant General in truſt in the Cauſe, the Defendants may appear on the Motion, if they ſhould object to transferring the Stock. But as it is not probable that any Objection can be made to the Application, it will perhaps be unneceſſary to appear thereon. When the Order is obtained and entered, apply to the Plaintiffs' Solicitor for it, and leave it at the Accountant General's Office, to have Tickets made out, by which the Transfer may be made: without theſe Tickets the Accountant General will not receive the Stock, nor will the Bank of England permit a Transfer thereof into his Name. The Transfer may be made at the Bank, either by the perſonal Attendance of the Executors there, or by their Attorney, duly empowered by a Letter of Attorney from the proper Office in the Bank. When the Stock is transferred, the Accountant General has Certificates thereof, which he files at the Report Office, and delivers Office Copies to the Solicitor.

MICHAELMAS TERM, 1786.

IN this Term a Bill of Revivor being filed, occaſioned by the death of one of the Plaintiffs, againſt a Defendant his next of kin, entitled to Letters of Adminiſtration, an * Appearance muſt be entered for him thereto. If the Bill ſhould be to revive only, it may not be neceſſary to put in any Anſwer, but the Plaintiffs will revive the Cauſe, by obtaining an Order for that purpoſe, on the time for anſwering being expired: But if the Bill filed ſhould be a Bill of Revivor and Supplement, that is, ſtating new Matter requiring an Anſwer, the Anſwer muſt be filed thereto; † whereupon the Plaintiffs will obtain an Order that the Cauſe may ſtand revived.

When all the Anſwers are filed, and the Plaintiffs have replied thereto, and ſerved Subpœnas to rejoin, it becomes neceſſary for the Defendants' Solicitor to lay a Brief of the Pleadings before Counſel, to adviſe on the Proofs required in ſupport of the Defendants' Caſe. If Evidence be thought neceſſary, the Counſel will draw Interrogatories. The Inſtructions before given to the Plaintiffs' Solicitor, in this part of the Cauſe, will be exactly applicable to the Solicitor for the Defendant; the method of filing Interrogatories, examining Witneſſes, and compelling an adverſe Witneſs to appear and give Evidence, being preciſely ſimilar.

The Plaintiffs' Bill of Coſts ſhews that a Supplemental Bill was filed, occaſioned by the Bankruptcy of one of the Defendants. The Defendants' Bill ſhews no Proceedings on that ſubject, it being preſumed that the Aſſignees' Anſwer was filed by the Solicitor under the Bankruptcy. And as the Solicitor has been ſufficiently inſtructed hitherto in the manner of putting in an Anſwer, it is unneceſſary to ſtate any thing further on this head.

The Depoſitions taken on both ſides being publiſhed, it will be neceſſary for the Defendants' Solicitor to take Copies thereof, which ſhould be abbreviated, copied, and added to the Briefs for the Counſel preparatory to the Hearing of the Cauſe.

* An Appearance muſt be entered to a Bill of Revivor before the Plaintiff can obtain an Order to revive.

† But the Cauſe may be revived immediately after the expiration of the eight days allowed the Defendant by the Courſe of the Court to anſwer.

HILARY

HILARY TERM, 1787.

THE Cauſe being ſet down, the Solicitor ſhould be attentive to the progreſs made by the Court in the preceding Cauſes; and when got into the Paper of the day for Hearing, or a ſhort time before it is expected to be ſo, the Briefs ſhould be delivered to the Counſel, with proper Fees, to attend the Court on the Hearing. The Subpœnas to hear Judgment having been ſerved on the Defendants, if it is ſuſpected that the Plaintiffs will not appear on the Hearing, it will be proper for the Solicitor to be provided with an Affidavit of the Subpœna having been ſerved on the Defendants, that it may be read when the Cauſe is called on, in caſe the Plaintiffs ſhould not appear; or, if the Plaintiffs have filed an Affidavit of this Service, an Office Copy of that Affidavit will ſuffice. But it is better not to truſt to this, as the Defendants' Affidavit of having been ſerved will obviate all riſque and uncertainty. The Defendants' Solicitor having filed his Affidavit, and procured an Office Copy thereof, the Court, on its being read (if the Plaintiff ſhould neglect to appear) will diſmiſs the Bill with Coſts; but this cannot be done, unleſs it has been ſhewn to the Court, by Affidavit, that the Subpœnas to hear Judgment were ſerved on the Defendant. See a form in the Appendix, under the title "Affidavits."

The Cauſe being heard, a Copy of the Minutes of the Decree ſhould be procured from the Regiſter, and ſettled with him and the Plaintiffs' Solicitor; but if it ſhould be neceſſary to apply to the Court thereon, the manner of making this Application has been already fully explained*. When the Minutes have been finally ſettled, the Regiſter will paſs the Decree. Intimation of the time of this ſhould be given by the Solicitor entitled to the Decree, to the other Solicitors in the Cauſe, who have directed Copies thereof to be made for them, that the Decree and the Office Copies may be examined together, and the Office Copies ſigned by the Regiſter at the time of paſſing the Decree. An Office Copy, unleſs ſigned, will be of no ſervice in the Proceedings, eſpecially in any tranſactions at the

* See page 66.

Accountant

Accountant General's Office, where an unſigned Office Copy is wholly diſregarded even though it is marked Examined by the proper Clerk in the Regiſter Office.

EASTER TERM, 1787.

THE Decree being paſſed and entered, it is the duty of the Plaintiffs' Solicitor to proceed before the Maſter as expeditiouſly as poſſible on the Enquiries referred to him. The Defendants' Solicitor will have Notice of every ſtep taken in theſe Proceedings, by Warrants ſerved on his Clerk in Court, who will ſend them to him. The firſt ſtep neceſſarily taken by the Plaintiffs' Solicitor before the Maſter, which requires the Defendants' Solicitor's attention in this Caſe is, the leaving Interrogatories for the Examination of the Defendants, the Executors; for a Copy of which their Solicitor ſhould apply to the Maſter's Clerk; and if no Objection appears to them, he ſhould prepare to put in an Anſwer, or, as it is generally called, an Examination *.

TRINITY TERM, 1787.

THE Examination, being prepared, muſt be ſigned by Counſel, engroſſed on Parchment, with a 2*s.* 6*d.* Stamp to each Skin, and ſworn to by the Defendants before the Maſter. Pay 1*s.* each Oath, and on leaving, 5*s.*; take out a Warrant thereon, which muſt be underwritten thus—"The Defendants, the Executors, have left their Examination." It muſt then be ſerved on the Clerks in Court for all Parties.

If the Plaintiffs' Solicitor ſhould be ſatisfied with the Examination put in by the Defendants, he will accept it as ſufficient, and proceed in the Cauſe; but if it ſhould appear to be inſufficient, and he ſhould obtain an Order referring it to the Maſter, for him to determine whether the Interrogatories have been fully anſwered, and the Maſter ſhould be of opinion that they have not, and ſhould ſo report to the Court, the Defendants muſt put in a further Examination.

* For the time which will be allowed a Defendant to put in his Examination, and the conſequences of his delaying it beyond that time, ſee page 73.

If the Plaintiffs' Solicitor ſhould conceive it neceſſary to have all the Books and Papers, which relate to the matters in queſtion in the Cauſe, brought in before the Maſter, and ſhould take out a Warrant for that purpoſe, the Books and Papers required muſt be ſcheduled, and depoſited in a box, with a lock and key; on the box ſhould be written the name of the Cauſe, and what it contains, as follows:—"*A* againſt *B*; the Defendant *B*'s box," or, "the Defendant *B*'s Books and Pa-"pers," &c. &c.; an Affidavit muſt be made by the Defendant, ſtating that the Books and Papers then left (a Liſt whereof is contained in the Schedule to that his Affidavit) are all the Books and Papers in his cuſtody or power, or that he ever had, relating to the matters in queſtion in the Cauſe. † This Affidavit ſhould be ſworn before the Maſter at his Chambers, or, if the Defendant is in the Country, before a Maſter Extra, and tranſmitted to the Solicitor in Town, to be left with the box, &c. at the Maſter's Chambers; a Warrant muſt be taken out thereon, and underwritten—"The Defendant *B* has left his Books and Papers," which muſt then be ſerved on the Plaintiffs' Clerk in Court. If a Warrant to inſpect the ſame is taken out, attend thereon, in order to explain any entry or tranſaction on which the adverſe Solicitor may be deſirous of information.

When the Plaintiffs have left their Charge againſt the Defendants, take a Copy thereof, and having compared it with the Examination, attend the Warrant thereon, and ſtate any Objections which may appear thereto to the Maſter as he proceeds; when the Charge is gone through, draw out the Diſcharge *, make a Copy thereof

† See page 75.

* The Diſcharge is prepared in the following manner:

"In Chancery. Between *A B.* [*put the Title of the Cauſe.*]

"The Diſcharge of the Defendant *A*, one of the Executors of *C D*, the Teſtator in the Plead-"ings in this Cauſe, named to the Plaintiffs' Charge againſt him for the perſonal Eſtate of the "ſaid Teſtator."

Then ſtate the Payments in the order they occur in the Anſwer of the Defendant on his Examination as follows:

	£.	s.	d.
"Paid Mr. Shephard, the Proctor, for the Probate of the Will, &c. — — —	25	8	4
"Paid Mr. James his Bill for Funeral Expences — — — — — — — —	60	11	6

In this manner go through all the Payments, to which add their dates in the margin.

for the Maſter, take out the uſual Warrants, and on the Attendance thereon, be prepared with all the Vouchers †, to prove the Payments, without which the Maſter will not allow the items in the Diſcharge, unleſs a ſatisfactory reaſon is given for the non-production. It is to be remembered, that on Proceedings before the Maſter on Diſcharges, whatever the ſubject may be, he invariably requires Vouchers for the Payment of every ſum contained in the Diſcharge, unleſs the Payment is ſo trifling as not to amount to 40*s*. but even in that caſe it is proper to be prepared with Vouchers. If the Decree directs the Maſter to diſtinguiſh the Principal of the Teſtator's perſonal Eſtate from the Intereſt thereof, the Defendants' Solicitor may make ſuch diſtinction in his Diſcharge; but if the Plaintiffs' Charges and the Defendants' Diſcharges are not ſo drawn as to diſtinguiſh the Principal from the Intereſt thereon, it will be proper that a State of Facts ſhould be laid before the Maſter, aſcertaining with accuracy the Principal and Intereſt. This is probably the beſt, as well as the ſhorteſt and leaſt perplexed manner of anſwering the Enquiry on that ſubject. This State of Facts may be carried in by either Party, and the Maſter being ſatisfied that the calculation is properly made, will inſert it in his Report.

The Claim of the Defendant, the Mortgagee, will ſtate merely the Principal due to him, and the Intereſt in arrear; the Intereſt accrued in the Teſtator's life-time, ſhould it be ſo far in arrear, muſt be paid out of the Principal of the Teſtator's Perſonal Eſtate; the Intereſt that has accrued ſince his death muſt be taken from the Intereſt of his Perſonal Eſtate. It is here ſuppoſed that the Eſtate is ſolvent, and that the Directions before-mentioned for diſtinguiſhing the Principal from the Intereſt are contained in the Decree. Theſe obſervations muſt be attended to through all the Proceedings, on any Claims againſt the Eſtate which bear Intereſt. After the Inſtructions before given, there does not appear in the remainder of this Term any Proceeding that requires explanation.

† Be careful that the Receipts and other Vouchers produced to the Maſter in proof of the Payments, which conſtitute the Diſcharge, are on their proper Stamps.

HILARY TERM, 1788.

ATTEND the Sale of the Eſtates. When they are ſold, the Plaintiffs' Solicitor will probably carry in before the Maſter a further Charge againſt the Defendant who is in Receipt of the Rents of the Eſtates, conſiſting of the Rents received by him ſince the time up to which the Defendant already ſtands charged before the Maſter, and up to the preſent, or ſuch period as the Purchaſer takes poſſeſſion and enters into the Receipt of the Rents; when this Charge is allowed, Diſcharges in reſpect thereof muſt be carried in and proceeded on, until allowed.

EASTER TERM, 1788.

TAKE Copies of the Draft of the Conveyances laid before the Maſter, for which 8*d.* per folio is paid. When peruſed and compared carefully with the Deeds and Papers, attend the Warrants to ſettle the ſame. The Inſtructions before given to the Plaintiffs' Solicitor will be ſufficient for the guidance of the Defendants' Solicitor in this part of the buſineſs.

The Order made on the Report will direct the Executors to pay the ſums reported to be in their hands into the Bank, with the privity of the Accountant General of the Court, either to the Credit of the Cauſe generally, or to ſome particular Accounts therein, for the doing of which no particular period will be mentioned in the Order; but when ſufficient time has elapſed for the Defendants to have made their payments, the Plaintiffs' Solicitor will apply to the Court that the Defendants may be directed to pay the Money remaining in their hands within a limited time, which muſt be expreſſed in the Notice of Motion. If the Defendants ſhould require longer time than is mentioned in the Notice, Counſel muſt be inſtructed to make an Application for that purpoſe on the Motion being made, which will be granted, if the time required is thought reaſonable; but if any particular circumſtances attending the caſe of the Defendants render a longer time neceſſary, ſuch circumſtances ſhould be ſtated to the Court by Affidavit. Whatever time may be granted, it is incumbent on the Perſons who are ordered to pay the Money, to do

ſo

ſo before the expiration thereof, as the Accountant General, if he has had any information of the Order, will not receive the Money after the time therein limited for Payment is expired, unleſs another Order is obtained granting longer time. It is to be remembered, that the Defendants may be brought into Contempt for a Non-compliance with the Directions of any Order, after a Writ of Execution thereof has been ſerved on them.

Money is paid into Court in the following manner: The Decree or Order directing the ſame muſt be left with the Accountant General, and if the Money to be paid is ſtated from the Maſter's Report, the Office Copy thereof muſt likewiſe be left; the Accountant General will make out a Direction for the Bank of England to receive the Money, which he will ſign and deliver to the Solicitor, who muſt then attend at the Bank of England therewith, and pay the Money contained in the Direction as follows; ſuch part of the ſum as is made up of Bank Notes muſt be * ſhewn to one of the Caſhiers, who will mark the Notes with his Initials, and cancel them; and ſo much of the Sum as is made up of Money, muſt be paid to one of the Tellers at the Bank, who in return will give a Check for the amount; the cancelled Bank Notes, and Tellers Check, muſt then, together with the Accountant General's Direction, be taken to the Chancery Office at the Bank, where the Clerk will make out a Receipt, and mark the ſame entered, which being taken to a Caſhier he will ſign it; the buſineſs is then finiſhed at the Bank, and the Caſhier's Receipt being taken to the Accountant General's Office, the Payment into Court is complete; the Accountant General files a Certificate of the Payment in the Report Office, and procures the Solicitor an Office Copy thereof.

* Before you take the Bank Notes to the Caſhier, write your name and place of reſidence on the face of the Notes.

A BILL

A BILL OF COSTS FOR A DEFENDANT,

Where the Bill has been diſmiſſed out of Court for Want of Proſecution.

IN CHANCERY.

AB — — — — — — — PLAINTIFF;

AND

CD, and *EF* — — — — — DEFENDANTS.

BILL OF COSTS OF THE DEFENDANTS,

HILARY TERM, 1783.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
ATTENDING the Defendants ſeverally, adviſing on the Bill being filed againſt them, and taking Inſtructions to appear — — — —	0 6 8	0 6 8
Paid entering Appearance — — — —	0 3 4	
Paid for Office Copy of the Bill, fol. 42 — —	1 18 6 *	1 18 6
Making a cloſe Copy thereof — — —	0 7 0 †	0 7 0

* The Bill being afterwards amended, on which 20*s.* Coſts is paid, the Maſter allows the longeſt Office Copy on Taxation. See Trinity Term, 1785, in this Bill.

† Cloſe Copies are not allowed on Taxation in Town Cauſes.

Inſtructions

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Inſtructions for Counſel to move for a Month's Time to anſwer — — — — —	0 2 6	
Fee to him to move — — — —	0 10 6	
Attending * him, and Court — — —	0 6 8	0 6 8
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 1 0
Term † Fee, Solicitor — — — —	0 6 8	
Letters and Meſſengers — — — —	0 2 0	

HILARY VACATION, 1783.

Drawing and engroſſing Petition for three Weeks further Time to anſwer, and Duty — — —	0 4 6	0 4 6
Paid anſwering ſame — — — —	0 5 6	0 5 6
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 9 0
Attending the Defendant *C D*, taking Inſtructions for Anſwer	0 6 8	0 6 8
The like Attendance on the Defendant *E F* — —	0 6 8	
Drawing Anſwer, fol. 36 — — — —	0 18 0	
Attending the Defendants ſeverally, reading over and ſettling the ſame — — — — —	0 13 4	0 13 4
Fair Copy of the Anſwer, as ſettled by the Defendants, for Counſel to peruſe and ſign — — —	0 6 0	
Fee to Mr. Nedham to ſettle and ſign ſame, and Clerk —	2 4 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Letters and Meſſengers — — — —	0 2 0	0 2 0

* This Charge is never allowed on a common Motion, unleſs ſomething is to be produced, or read in Court, which requires the Solicitor's Attendance; nor will it be allowed on a Taxation of the Solicitor's Bill delivered to his Client.

† The Clerk in Court is not allowed a Term Fee of the Term in which a Bill is filed, or Appearance entered.

EASTER TERM, 1783.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Engroſſing Anſwer, fol. 36 — — —	0 12 0	
Paid for Parchment and Duty — — —	0 4 9	
Attending the Defendants ſeverally, reading over the Anſwer as engroſſed, and afterwards attending them to the Public Office to ſwear to the ſame — — —	0 6 8	
Paid Oaths — — — — —	0 2 0	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

HILARY TERM, 1784.

Paid for Copy Replication — — —	0 3 3	
Abbreviating * Bill, and Anſwer, fol. 42, 36=78 —	0 13 0	0 13 0
Two fair Copies thereof for Counſel, ſeven ſheets each —	1 15 0	1 15 0
Term Fee, Clerk and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

EASTER TERM, 1785.

Drawing Notice of Motion to diſmiſs Bill, for Want of Proſecution, Copy, and Service — — —	0 3 0	0 1 0
The Plaintiff having obtained an Order to withdraw his Replication, and amend his Bill, Term Fee, Clerk, and Solicitor	0 10 0	

* If the Bill had been diſmiſſed on the Application made for that Purpoſe in the next Term, this Charge would have been allowed; but the Bill being afterwards amended, the Solicitor is allowed the abbreviating the longeſt Copy, whichever is ſo, the Original or the amended Bill; but if the Bill had been diſmiſſed before a Replication filed, the Charge for abbreviating the Bill would not be allowed.

Letters

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Letters and Meſſengers — — — —	0 2 0	

TRINITY TERM, 1785.

Drawing Notice of Motion to diſcharge the Plaintiffs' Order to amend his Bill, Copy, and Service — —	0 3 0	0 1 0
Drawing and engroſſing Affidavit of the Service thereof, Duty, and Oath — — — —	0 6 7	
Paid filing ſame, and for Office Copy — —	0 5 7	
Inſtructions for Counſel to move — — —	0 2 6	
Fee to him therewith — — — —	0 10 6	
Paid for Office Copy Order to amend — —	0 3 0	
Attending Court on Motion, when the Plaintiff undertook to amend his Bill within ten Days — — —	0 6 8	
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 1 0
Paid * for Office Copy amended Bill, fol. 50 — —	2 5 10	
Making a cloſe Copy thereof — — —	0 8 4	0 8 4
Attending the Defendant *C D*, taking Inſtructions for Anſwer	0 6 8	0 6 8
The like Attendance on the Defendant *E F* — —	0 6 8	
Drawing Anſwer — — — —	0 6 8	
Fair Copy thereof for Counſel to ſettle and ſign, fol. 12 —	0 2 0	
Fee to Mr. Nedham, and Clerk, therewith — —	1 3 6	0 2 6
Attending him — — — — —	0 6 8	
Engroſſing Anſwer — — — —	0 4 0	

* Where a Bill is amended, the longeſt Office Copy only will be allowed in Coſts between Party and Party, the 20*s.* paid by the Plaintiff on withdrawing the Replication and amending the Bill (or before the Replication is filed, the ſame Sum paid on amending the Bill, where a new Engroſſment is neceſſary) is conſidered as adequate to the Coſts, although the Sum paid for the Office Copy may be ten times its Amount.

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Paid for Parchment and Duty — — —	0 3 6	
* Attending the Defendants, reading over the Anſwer, and afterwards to the Public Office to procure them ſworn thereto — — — — —	0 6 8	0 6 8
Paid Oaths — — — — —	0 2 0	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

EASTER TERM, 1785.

Paid for Copy Replication — — —	0 3 3	
Abbreviating amended Bill, and Anſwers, fol. 50, 42, 12 = 104 — — — — —	0 17 4	
Two fair Copies of the Amendments, and further Anſwer, to add to the former Briefs, two Brief Sheets each —	0 10 0	0 10 0
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	0 1 0

HILARY TERM, 1786.

Drawing Notice of Motion to diſmiſs Bill for Want of Proſecution, Copy, and Service — — —	0 3 0	0 1 0
Drawing and engroſſing Affidavit of the Service of the Notice, Duty, and Oath — — — —	0 6 1	
Paid filing ſame, and for Office Copy — —	0 4 10	
Paid for Six Clerks Certificate of Replication being filed —	0 2 6	

* This Attendance is allowed by ſome Maſters and not by others; the Solicitor in a courſe of extenſive practice will ſee many ſuch inſtances in other charges.

Inſtructions

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Inſtructions for Counſel to move to diſmiſs Bill — —	0 2 6	
Fee to Mr. Nedham, to move — — —	0 10 6	
Attending Court on Motion, when the Plaintiff undertook to ſpeed the Cauſe — — — —	0 6 8	
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 1 0
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

EASTER TERM, 1786.

Drawing Notice of Motion to dimiſs Bill for Want of Proſecution, Copy, and Service — — —	0 3 0	0 1 0
Drawing and engroſſing Affidavit of the Service of the Notice of Motion, Duty, and Oath — — —	0 5 1	
Paid filing ſame, and for Office Copy — —	0 4 10	
Fee to Mr. Nedham, to move — — —	0 10 6	
Attending Court on Motion, when an Order was made, diſmiſſing the Bill with Coſts — — —	0 6 8	
Paid for Order and Entry — — —	0 8 6	
Copy and Service — — — —	0 4 0	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

TRINITY TERM, 1786.

Drawing Bill of Coſts, and Copy, fol. 18 — —	0 9 0	
Warrant on leaving ſame, Copy, and Service — —	0 3 0	
Warrant to tax Copy, and Service — — —	0 3 0	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending thereon, Clerk, and Solicitor, but neither the Plaintiffs' Solicitor or Clerk in Court attended —	0 13 4	
Another Warrant to tax Copy, and Service — —	0 3 0	
Attending thereon, Clerk, and Solicitor, when the Coſts were taxed ex parte — — — —	0 13 4	
Paid Oath of Service of the Warrants — — —	0 1 0	
Paid for a Copy of the Bill of Coſts, fol. 18 — —	0 9 0	
Paid for the Maſter's Report — — —	0 15 0	
Paid filing the ſame, and for Office Copy — —	0 4 10	
Paid for Subpœna for Coſts, and perſonal Service (conditional) — — — — —	0 10 0	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

PRACTICAL

PRACTICAL DIRECTIONS,

AND

REMARKS,

Relating to the foregoing Bill of Coſts.

AFTER the Anſwer is filed, the Plaintiff may immediately carry on his Cauſe to a Hearing, by filing a Replication to the Anſwer, and obtaining a Subpœna to rejoin, returnable immediately: He may then proceed to commiſſion, examine his Witneſſes, give Rules to produce Witneſſes, and paſs Publication, and ſet down his Cauſe for Hearing; the whole of which may be done in two Terms after the Anſwer is filed. But if on reading the Anſwer he has no hopes of ſucceeding in the Cauſe, and it appears probable that on the Hearing thereof his Bill will be diſmiſſed with Coſts, the Plaintiff will frequently be inclined to defer Payment of Coſts as long as poſſible. The Defendant will therefore be obliged to drive him on to a Hearing, or to obtain a Diſmiſſal of the Suit, with as much ſpeed as the Rules of the Court permit.

According to the preſent Practice, the Plaintiff need not file a Replication until three Terms have elapſed from the filing of the Anſwer: that is, the Defendant cannot move the Court for a Diſmiſſal of the Bill until the expiration of three Terms after the filing of the Anſwer, or any ſtep taken in the Cauſe by the Plaintiff ſubſequent thereto: Theſe three Terms are calculated in the following manner: Suppoſe the Anſwer to have been filed in Eaſter Term, or Vacation, the Defendant cannot move to diſmiſs until the Seals after Hilary Term; and in like manner as to all ſubſequent Proceedings, three clear Terms muſt intervene before the Defendant can apply to the Court for a Diſmiſſal of the Bill.

Before

Before a Replication is filed, the Defendant need not give a Notice in writing to the Plaintiffs' Clerk in Court of his intention to move for a Diſmiſſal of the Bill, but it is the Practice for the Defendant (after three Terms have elapſed) to inform his Clerk in Court of his intention to move, who will deliver over a Note thereof to the Plaintiffs' Clerk in Court; this Note is ſent by his Clerk in Court to the Plaintiffs' Solicitor, who, if he means to keep the Cauſe in Court, will either obtain an Order to amend the Bill, or file a Replication to the Anſwer; if he obtains an Order to amend, that Order muſt be got rid of, either by a compliance with the terms of it, or by its being diſcharged, before the Defendant can take any further ſteps in the Cauſe; if the Plaintiff delays amending his Bill after a * reaſonable time has been allowed for that purpoſe, the Defendant may move the Court, "That the Order obtained by the Plaintiff, on the day of "*(the date of the Order)* may be diſcharged, and that the Bill may be diſmiſſed, "with Coſts, for want of Proſecution." A Notice muſt be given of this Motion, an Affidavit of the Service thereof made and filed, and an Office Copy had, together with an Office Copy of the Order to amend, to be read in Court. Give Inſtructions for Counſel to move according to the Notice, and unleſs the Plaintiff appears by Counſel on the Motion, and undertakes to amend the Bill within a time to be limited by the Court, (uſually ten days or a fortnight) the Plaintiffs' Order to amend will be diſcharged, and the Bill will be diſmiſſed for want of Proſecution, agreeably to the Application.

If the Plaintiff attends by Counſel on the Motion, and undertakes to amend his Bill within a given time, the Defendants' Solicitor ſhould draw up and ſerve the Order to that effect, and unleſs the Bill is amended within the time, it will ſtand diſmiſſed of courſe, without any further Application to the Court.

When the Bill has been amended, and an Anſwer to the Amendments is required, the Defendant ſhould put in the ſame immediately, ſo that as little time may be loſt as poſſible, for he cannot apply again to the Court for a Diſmiſſal until three Terms have elapſed after the filing of his Anſwer to the Amendments.

* A week or ten days.

If

If the Plaintiff files a Replication, the Defendant cannot make another Application until the expiration of three Terms, when he muſt ſerve a Notice of Motion on the Plaintiffs' Clerk in Court (for the form of which ſee Appendix under title "Notices of Motion," N° 4) an Affidavit muſt be made of the Service thereof, filed, and an Office Copy had, to read in Court. The Six Clerks' Certificate of the Replication being filed, muſt alſo be obtained. With the Office Copy Affidavit and Certificate, give Inſtructions to Counſel to move to diſmiſs the Bill. To prevent the effect of this Motion, or the Motion itſelf being made, the Plaintiff muſt in the firſt caſe undertake to ſpeed his Cauſe, or, in the ſecond, move or petition to withdraw his Replication, and amend his Bill, which will be granted, on Payment of 20*s.* Coſts to the Defendant. If the Plaintiff is deſirous of amending his Bill, and the Motion to diſmiſs is intended to be made at the Seals, either before or after Term, his better way will be (immediately on receiving the Notice of Motion) to preſent a Petition * to the Maſter of the Rolls, "for liberty to withdraw his Replication, and amend his Bill;" get the Petition anſwered, draw up the Order, and ſerve it, before the Defendant can move to diſmiſs. If Defendant makes his Application to diſmiſs in the Term; the Order to withdraw the Replication, and amend the Bill, may be obtained by Motion on any day at the riſing of the Court, and may be applied for, obtained, and ſerved before the Motion to diſmiſs can be made; if the Plaintiff amends his Bill, the Defendant muſt put in an Anſwer to the Amendments, and the Plainliff has the ſame time, after the Anſwer to the amended Bill is filed, to reply thereto, as he had to the Anſwer put in to the original Bill.

If the Plaintiff undertakes to ſpeed the Cauſe, he gives Inſtructions to Counſel to appear on the Motion (made by the Defendant to diſmiſs the Bill) and enters into an undertaking to that purport. This Order is drawn up and ſerved by the Defendants' Solicitor, and the Plaintiff cannot afterwards apply to amend his Bill in any manner that might occaſion the Cauſe to be delayed, but muſt bring it on to a Hearing. If the Plaintiff neglects to proceed in the Term next after the Order to ſpeed the Cauſe is obtained, the Defendant may again give a Notice of Motion to diſmiſs at the Seals after the Term, and the Court will on Motion (upon an Affi-

* The form of this Petition will be found in the Appendix, under title "Petitions," N° 7.

davit

davit of the Service of the Notice thereof, and a production of the Order to ſpeed the Cauſe, together with the Six Clerks' Certificate granted in the former inſtance) make an Order for the Diſmiſſal of the Bill, with Coſts, to be taxed by one of the Maſters of the Court; unleſs the Plaintiff appears, and undertakes to give the Rules to produce Witneſſes and paſs Publication in the courſe of the enſuing Term, and to ſet down the Cauſe for a Hearing in the Term after. This Undertaking will be admitted, on condition that unleſs the ſame is complied with, the Cauſe ſhall ſtand diſmiſſed out of Court without any further Motion.

If the Plaintiff, after he has undertaken to ſpeed the Cauſe, proceeds by obtaining a Subpœna to rejoin, the Bill cannot afterwards be diſmiſſed for want of Proſecution, but the Cauſe being then conſidered at Iſſue, muſt be brought on to a Hearing, which can be done by a Defendant in default of the Plaintiffs' proceeding; for if the Plaintiff, after he has ſued out his Subpœna to rejoin, neglects to give a Rule to produce Witneſſes in the courſe of the next Term after the Service of the Subpœna, the Defendant may in the Term immediately following give the ſame Rule, and in the ſucceeding Term give a Rule to paſs Publication (in the mean time having examined ſuch Witneſſes as may be neceſſary on his own part) he may afterwards ſet down the Cauſe to be heard in the Term following that in which the Rule to paſs Publication was given. The Defendant muſt in this Caſe procure the Subpœna to hear Judgment, and ſerve it on the Plaintiff. The Cauſe thus ſet down, is marked in the Regiſter's Book, as having been ſet down at the requeſt of the Defendant.

As the Practice now ſtands, the Plaintiff, even after the Rule to paſs Publication is given, may procraſtinate the ſetting down the Cauſe, by applying to the Court, before the Rule to paſs Publication is expired, to enlarge it, making the uſual ſuggeſtion, that ſuch Application is in his own delay; for it is to be obſerved, that when the Defendant applies for an Enlargement of the time for paſſing Publication, it is always made the terms of the Order *, "That it ſhall not hinder the Plaintiff "from ſetting down the Cauſe," but on the Plaintiff's Application for ſuch an Enlargement, no Terms are impoſed on him, as he is conſidered to ſuffer ſuffici-

* It is the Practice of the Court that a Cauſe ſhall not be ſet down to be heard in the Term in which Publication paſſes, nor until Publication is paſſed, unleſs by Conſent of the Parties, or by an Order of the Court.

ently by the delay occaſioned by his Application. This part of the Practice certainly requires Amendment, for when the Defendant has the greateſt intereſt in bringing on the Cauſe to a Hearing, ſurely the Plaintiff ought to be ſubject to the ſame terms, as the Defendant would have been in a ſimilar ſituation.

How long the Plaintiff may delay a Diſmiſſal of his Bill for want of Proſecution, by the above manœuvres of moving to amend his Bill, and withdrawing his Replication for that purpoſe, it is not eaſy to ſtate with preciſion, but the Cauſe may certainly be delayed by ſuch means for many years; * ſeveral Orders to amend may be obtained, not for the furtherance of Juſtice, but to prevent a Diſmiſſal of the Cauſe out of Court.

* After a third Order for amending a Bill, a Defendant will be allowed Coſts to be taxed. 2d Atk. 123.

BILL OF COSTS

FOR

A PLAINTIFF, IN AN INJUNCTION CAUSE.

Mr. *A B.*

IN CHANCERY.

YOURSELF againſt *C. D.*

EASTER TERM, 1786.

	£.	s.	d.
TAKING Inſtructions for Bill — — — —	0	6	8
Drawing ſame, fol. 60 — — — —	1	10	0
Fair Copy thereof for Counſel — — — —	0	10	0
Fee to Mr. Cooke, to ſettle and ſign ſame, and Clerk — —	2	4	6
Attending him — — — — — — —	0	6	8
Engroſſing Bill — — — — — — —	1	0	0
Paid for Parchment and Duty — — — —	0	9	6
Paid filing ſame, and for Rule — — — —	0	5	4
Paid for Subpœna — — — — — —	0	6	0
Service thereof — — — — — — —	0	5	0
The Defendant having appeared, but not having put in his Anſwer, nor obtained any Order for Time, paid for an Attachment — —	0	8	6
Inſtructions for Counſel to move for an Injunction — —	0	2	6
			Fee

	£.	s.	d.
Fee to Mr. Cooke, to move — — — — —	0	10	6
Paid for Order, Duty, Entry, and Service — — — —	0	9	0
Paid for Writ of Injunction — — — — —	1	4	8
Copies, and Service thereof on the Defendant and his Solicitor —	0	8	0
Drawing Notice of Motion, that the Injunction might be extended to ſtay Trial, Copy and Service — — — —	0	3	0
Attending you, taking Inſtructions for Affidavit in ſupport of the Motion — — — — — —	0	6	8
Drawing the ſame, fol. 15 — — — — — —	0	7	6
Fair Copy thereof, for you — — — — —	0	2	6
Attending you, reading over and ſettling the ſame — —	0	6	8
Engroſſing ſame, and paid for Paper and Duty — — —	0	4	9
Paid Oath — — — — — —	0	1	0
Paid filing ſame, and for Office Copy — — — —	0	16	0
Abbreviating Bill, and Affidavit, fol. 75 — — —	0	12	6
Making Copy thereof for Counſel, five Brief Sheets — —	0	12	6
Gave Mr. Cooke therewith, and Clerk — — —	2	4	6
Attending him — — — — — —	0	6	8
Drawing Affidavit of the Service of Notice of Motion, Engroſſing, Duty, and Oath — — — — — —	0	6	7
Paid filing, and for an Office Copy of ſame — — —	0	5	7
Attending Court on Motion, when the Injunction was granted —	0	6	8
Paid for Writ of Injunction — — — —	1	8	0
Copies, and Service thereof on the Defendant and his Solicitor —	0	9	0
Term Fee, Solicitor — — — — —	0	6	8
Letters and Meſſengers — — — — —	0	3	0

TRINITY TERM, 1786.

	£.	s.	d.
Paid for Office Copy, Anſwer, fol. 54 — — —	2	9	6
Making cloſe Copy thereof — — — — —	0	9	0
Abbreviating ſame — — — — —	0	9	0
Making a Copy thereof for Counſel, five Sheets — — —	0	12	6
Fee to Mr. Cooke, with Brief to ſhew Cauſe againſt diſſolving Injunction, and Clerk — — — — — —	3	5	6
Attending him — — — — — —	0	6	8
Attending Court on Motion, when the Injunction was ordered to be diſſolved* — — — — — —	0	6	8
Term Fee, Clerk, and Solicitor — — — —	0	10	0
Letters and Meſſengers — — — — —	0	3	0

EASTER TERM, 1787.

The Defendant having obtained a Diſmiſſal of the Bill for want of Proſecution, paid for a Copy of his Coſts, fol. 12 — — —	0	6	0
Attending taxing the ſame, Clerk, and Solicitor — — —	0	13	4
Term Fee, Clerk, and Solicitor — — — —	0	10	0
Letters and Meſſengers — — — — —	0	2	0

* N. B. If the Plaintiff on the Injunction being diſſolved, ſhould proceed no further in the Suit in Equity, the Defendant may, on the Expiration of three Terms, move to diſmiſs the Bill for want of Proſecution.

BILL OF COSTS

FOR THE

DEFENDANT IN THE SAME CAUSE.

IN CHANCERY.

Between *A B* — — — — — — — — PLAINTIFF;

AND

C D — — — — — — — — DEFENDANT.

BILL OF COSTS OF THE DEFENDANT.

EASTER TERM, 1786.

	CHARGE £. s. d.	TAX OFF. £. s. d.
PAID entering Appearance — — —	0 3 4	
Paid for Office Copy Bill, fol. 60 — —	2 15 0	
Close Copy thereof — — — —	0 10 0	0 10 0
Attending, taking Inſtructions for Anſwer — —	0 6 8	
Drawing ſame, fol. 54 — — — —	1 7 0	
Fair Copy thereof for Counſel — — —	0 9 0	0 9 0
Fee to Mr. Stanley, to ſettle and ſign ſame, and Clerk —	2 4 6	0 2 6
Attending him — — — — —	0 6 8	
Term Fee, Solicitor — — — —	0 6 8	
Letters and Meſſengers — — — —	0 2 0	

BILL OF COSTS

TRINITY TERM, 1786.

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Engroſſing Anſwer — — — —	0 18 0	
Paid for Parchment and Duty, two Skins — —	0 13 0	
Attending the Defendant, reading over the Engroſſment, and afterwards to the Public Office to get him ſworn thereto –	0 6 8	
Paid Oath — — — — —	0 1 0	
Inſtructions for Counſel to move for Order to diſſolve Injunction, unleſs Cauſe — — — —	0 2 6	
Fee to him to move — — — —	0 10 6	
Paid for Order, Entry, Copy, and Service — —	0 9 0	
Drawing and engroſſing Affidavit of the Service thereof, Duty, and Oath — — — —	0 6 7	
Paid filing ſame, and for Office Copy — —	0 6 1	
Abbreviating Bill, and Anſwer, fol. 60, 54 = 114 —	0 19 0	
Two fair Copies thereof for Counſel, ten Sheets each —	2 10 0	
Two Copies of the Order Niſi annexed — —	0 1 0	
Fee to Mr. Solicitor General and Clerk, with Brief to move to diſſolve Injunction, the Plaintiff ſhewing Cauſe againſt the ſame on the Merits — — — —	3 5 6	
Attending him — — — — —	0 6 8	
Fee to Mr Stanley and Clerk, with Brief — —	2 4 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Attending Court, when the Injunction was ordered to be diſſolved — — — — —	0 6 8	
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 1 0
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

EASTER TERM, 1787.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid for the Six Clerks' Certificate of the State of the Pleadings — — — — —	0 2 6	
Inſtructions for Counſel to move to diſmiſs Bill for want of Proſecution — — — — —	0 2 6	
Attending him and Court on Motion — — —	0 6 8	0 6 8
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 1 0
Drawing Bill of Coſts, and Copy, fol. 12 — —	0 6 0	
Warrant on leaving the ſame, Copy, and Service —	0 3 0	
Warrant to tax, Clerk, and Solicitor — — —	0 13 4	
Paid for Report, &c. — — — —	0 17 6	0 2 6
Paid filing the ſame, and for Office Copy — —	0 4 10	
Subpœna for Coſts and perſonal Service (conditional) —	0 10 0	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

PRACTICAL DIRECTIONS,

AND

REMARKS

ON AN

INJUNCTION CAUSE.

THE Writ of Injunction is granted by the Court in various Caſes, and for various Purpoſes: It is frequently applied for to reſtrain a Party from proceeding at Law; but it will be granted in a number of other Caſes, ſuch as the Staying Waſte, the Staying the Sale of printed Books, &c. where a ſufficient Caſe is made to ground the Relief.

In order to ground the Application for the Writ, a Bill muſt be filed, praying for an Injunction, and ſuch other Relief as the Caſe requires.

If the Injunction required is to ſtay Proceedings at Law, the common Injunction of the Court will be granted, either for want of an Appearance in due time after Service and Return of the Subpœna, or for want of an Anſwer. If for want of an Appearance, an Affidavit of the Service of the Subpœna muſt be made, which being left with the Clerk in Court, he will iſſue an Attachment againſt the Defendant; the Court may then be moved for the Injunction, which will be granted of courſe, on a ſuggeſtion that an Attachment has iſſued; the like Application may be made on an Attachment having been iſſued for not anſwering in time, or on an Order for time to anſwer having been obtained. The common Injunction granted in theſe Caſes will not reſtrain the Trial of the Cauſe at Law, but Execution only*; and the Court will

* This applies only to the Caſe where an Action is already commenced; if the Action is not commenced, the Injunction will ſtay all Proceedings at Law, but the Order on which the Writ is grounded, likewiſe the Writ itſelf, are preciſely the ſame in form in both Caſes.

not

not grant an Injunction to ſtay Execution, and alſo trial on the † ſame application. To extend the Injunction to reſtrain Trial at Law, a Special Motion to the Court muſt be made (of which the Defendant muſt have due Notice ſerved on his Clerk in Court) and Reaſons ſhewn by Affidavit, or by the Anſwer of the Defendant in the Cauſe, that ſuch an Injunction is neceſſary. To obtain this Injunction *previous to the Anſwer*, the Plaintiff muſt make an Affidavit, ſtating ſhortly his Caſe, and that he cannot ſafely proceed to a Trial until the Defendant has put in his Anſwer in the Suit in this Court; in this manner making the diſcovery required by the Bill neceſſary for the Plaintiff in the ſhape of Evidence on the Trial of the Cauſe at Law. The Notice of Motion muſt ſpecify the Nature of the Application, viz.—"That the Injunction already awarded may be extended to ſtay Trial until the "Defendant ſhall have put in his Anſwer, and the Court make other Order to the "contrary." An Affidavit of the Service of this Notice muſt be made, and likewiſe an Affidavit verifying the Plaintiff's Caſe as before mentioned. Briefs ſhould be delivered to Counſel, and the Court will, on hearing the Motion, make ſuch Order as may be neceſſary.

The Injunction is loſt by amending the Bill, unleſs Exceptions to the Anſwer are allowed, in which caſe an Order may be obtained for leave to amend the Bill, and that the Defendant may anſwer the Exceptions and Amendments at the ſame time. But under ſpecial circumſtances, an Injunction will be granted on an amended Bill, although the Injunction granted on the original Bill has been diſſolved. Edwards *v* Jenkins. 3 Br. 425.

An Order obtained, referring a Bill for Impertinence before time for anſwering is expired, is ſuch a ſtay of Proceedings, that the Plaintiff cannot obtain an Injunction for want of Anſwer, but muſt give Notice of Motion, and ſhew circumſtances by Affidavit to entitle him to the Writ. Neale *v* Wadeſon. 1 Bro. 574.

Where a Plaintiff at Law, againſt whom a Bill is filed for an Injunction to ſtay his Proceedings at Law, reſides abroad, the Court will, on application ſupported by an Affidavit of the Fact, and * that his Attorney has been applied to, and refuſed to

† Wright *v.* Braine, 3 Br. 87.

* I do not know that this is abſolutely neceſſary. But ſee Burke *v.* Vickars, 3 Br. 24.

accept the Subpœna, make an Order that Service of the Subpœna on his Attorney, employed in the Cauſe at Law, ſhall be deemed good Service: and if an Appearance is not entered in time after ſuch Service, the common Injunction may be obtained on Motion. But to obtain the § Special Injunction to reſtrain further proceedings at Law, a ſpecial application to the Court muſt be made, ſupported by an Affidavit of Merits: and if a Verdict has been obtained at law, the Injunction to reſtrain Execution will not be continued unleſs the Money recovered is paid into Court. Acton *v* Market. 2 Bro. 14. Culley *v* Hickling, 2 Bro. 182. and Sherwood *v* White, 1 Br. 452.

The Writs of Injunction are made out by the Clerk in Court, on the Orders being left with him, and muſt be ſerved on the Defendant, his Solicitor, and Attorney. If the Defendant, or his Attorney, afterwards proceed in the Cauſe at Law contrary to the direction of the Writs, it will be a Contempt of Court, which the Court will puniſh on Application for that purpoſe, by committing the Perſon ſo contemning its proceſs to the Fleet Priſon, until he has made ſatisfaction to the Party aggrieved, and paid all Coſts of the Contempt.

When the Anſwer is put in, the Defendant will move to diſſolve the Injunction. It is a Motion of courſe, and an Order will be made thereon that the Injunction ſhall be diſſolved, unleſs the Plaintiff or his Clerk in Court, having Notice thereof, ſhall (on a day mentioned in the Order) ſhew to the Court good Cauſe to the contrary.

The Plaintiff may ſhew for Cauſe againſt diſſolving the Injunction, either that he has filed Exceptions to the Anſwer, or, Merits confeſſed in the Anſwer, ſufficient to entitle the Plaintiff to the continuance of the Injunction: If Exceptions are ſhewn as Cauſe, Counſel muſt be inſtructed to do ſo, on the Defendant's moving to diſſolve the Injunction abſolutely, and in that Caſe the Plaintiff will be compelled to obtain the Maſter's Report on his Exceptions within a very ſhort time (uſually four days) or the Injunction will be diſſolved. If the Maſter reports the Anſwer ſufficient, that will alſo operate to diſſolve the Injunction; but the Plaintiff may take

§ For the Practice in this Caſe, ſee Revet *v*. Braham, 2 Br. 640. Delany *v* Wallis, 3 Bro. 12, and the preceding Caſes of Burke *v* Vickars, 3 Br. 24, and Wright *v* Braine, 3 Br. 87.

Exceptions to the Report, on which he must immediately obtain the Opinion of the Court. If the Master reports the Answer insufficient, the Injunction will be continued till the Exceptions are answered, which having been done, the Defendant will again move to dissolve the Injunction, and the same cause may be again shewn by the Plaintiff for its continuance.

When the Answer is full, and the Plaintiff is consequently without hopes of continuing the Injunction by taking Exceptions, he must shew Cause, on the Merits or Equity of the Case confessed in the * Answer, against dissolving the Injunction: for which purpose a Brief of the Bill, and Answer, must be given on each side to Counsel, who will argue the Case in Court (usually on Motion or Seal Days) whereupon such Order will be made, either for continuing or dissolving the Injunction, as the Court shall be of Opinion the Justice and Equity of the Case requires. When the Injunction is continued, the Cause in this Court must be prosecuted to a Hearing with proper expedition; or the Court will, if applied to, being satisfied of any intentional delay on the part of the Plaintiff, dissolve the Injunction.

When a Bill is filed to restrain a Defendant from committing Waste, or doing any other act to the prejudice or injury of the Plaintiff, and the continuance of the act complained of is very injurious and detrimental to the Complainant, so that it is important to lose no time in obtaining an Injunction, it may be applied for immediately after the Bill is filed, by a Motion in Court supported by Affidavits of the Plaintiff's † title and of the grievance (a Notice of Motion having been given to the Defendant); but to authorize so early an Application, the necessity of the Injunction being immediately granted must be clearly shewn, upon which the Court will, even before the Defendant's Answer is filed, grant the Injunction prayed, a Case to warrant the same being made out. On this Motion the Defendant will be allowed to controvert the Plaintiff's Statement of Facts, or to shew by other Representations his own Case, and the grounds and authority of his Conduct.

* It is the usual practice not to allow a Plaintiff to read Affidavits against Defendant's Answer, on an Application for an Injunction on the Merits; but the Court permitted it to be done in the Case of Isaacs *v.* Humpage and others, 3 Br. 463, a case very particularly circumstanced.

† In this Affidavit the particular Title of the Plaintiff must be set out. See the Case of Whitelegg *v.* Whitelegg, 1 Br. 57.

BILL OF COSST

ON A

PETITION

For appointing a Guardian to an Infant.

Mr. GEORGE GILES to *A. B*, Debtor.

		£.	s.	d.
1787. January 9th.	ATTENDING you, adviſing on the Situation of Maſter Johnſon's Property, and on the Neceſſity of inſtituting a Suit, or applying to the Court of Chancery in a more Summary Way, to appoint a Guardian for him — —	0	6	8

In Chancery.

In the Matter of JOHNSON, an Infant.

HILARY TERM, 1787.

Attending you, taking Inſtructions for Petition — — —	0	6	8
Peruſing the Will of your Father, and of Mr. Johnſon, as further Inſtructions — — — — — — —	0	6	8
Making Copy of the Will of Mr. John Giles, three Brief Sheets for Uſe — — — — — — — —	0	7	6
The like of Mr. Johnſon, two Brief Sheets — — —	0	5	0
Drawing Petition, fol. 15. — — — — —	0	7	6
Engroſſing the ſame, and Duty — — — —	0	4	1
Paid anſwering Petition — — — — —	0	5	6

Attending

	£.	s.	d.
Attending to get the Petition anſwered, to beſpeak the Order, and afterwards examining and paſſing the ſame — — —	0	6	8
Paid for the Order — — — — —	0	12	6
Paid entering the ſame — — — — —	0	3	0
Making Copy of the Order for the Maſter — — —	0	2	6
Drawing State of Facts for him, fol. 19 — — —	0	9	6
Attending you, taking Inſtructions for Affidavit in ſupport thereof —	0	6	8
Drawing ſame, fol. 9 — — — — —	0	4	6
Attending you, reading over and ſettling the ſame — —	0	6	8
Engroſſing ſame, Duty, and paid Oath — — —	0	6	7
Warrant on leaving State of Facts, and Affidavit, Copy, and Service —	0	3	0
Warrant to proceed thereon, Copy, and Service — — —	0	3	0
Attending thereon, when the Maſter required, in Addition to the Affidavit, that your Siſter ſhould ſign her Conſent to your being appointed the Guardian — — — — —	0	6	8
Drawing Conſent for that Purpoſe, and fair Copy for her to ſign —	0	2	6
Attending her therewith, and on her ſigning the ſame — —	0	6	8
Another Warrant to proceed on State of Facts, Copy, and Service —	0	3	0
Attending thereon, when the State of Facts was allowed — —	0	6	8
Paid for a Copy Draught of the Maſter's Report, fol. 24 — —	0	12	0
Making Copy thereof — — — — —	0	4	0
Peruſing and conſidering the ſame, and making ſeveral Alterations therein — — — — — —	0	6	8
Warrant on the Report being prepared, Copy, and Service — —	0	3	0
Warrant to ſettle ſame, Copy, and Service — — —	0	3	0
Attending thereon — — — — —	0	6	8
Warrant to ſign the Report, Copy, and Service — — —	0	3	0
Attending examining the Tranſcript of the Report — —	0	6	8

Paid

	£.	s.	d.
Paid for Report, tranſcribing, and Clerk — — —	2	2	0
Paid filing, and for Office Copy — — — —	0	11	4
Drawing Petition to confirm Report, and for Appointment of Guardian, fol 27 — — — — — —	0	13	6
Engroſſing the ſame to preſent, and Duty — — —	0	6	3
Paid anſwering the ſame — — — — —	0	5	6
Making Copy of the Report and Petition, for the Maſter of the Rolls, fol. 51 — — — — — —	0	8	6
Paid on leaving the ſame — — — — —	0	5	0
Attending for that Purpoſe — — — — —	0	6	8
Drawing Brief for Counſel, and fair Copy — — —	0	15	0
Fee to Mr. Simeon and Clerk therewith — — —	1	3	6
Attending him — — — — — — —	0	6	8
Attending Court, Petition heard, and Order made confirming Report, and appointing you for the Guardian, on your entering into a Recognizance duly to account — — — — — —	0	6	8
Paid Court Fees — — — — — — —	0	7	0
Paid for Order — — — — — — —	1	12	0
Peruſing the ſame, and attending the Regiſter examining and paſſing it	0	6	8
Paid entering ſame — — — — —	0	6	0
Letters and Meſſengers — — — — —	0	2	0

EASTER TERM, 1787.

Making Copy of the Order for the Maſter — — —	0	2	6
Paid Maſter's Clerk drawing Recognizance — — —	0	4	0
Paid for Copy Draught of Ditto — — — —	0	6	0
Paid for Allowance — — — — — —	0	2	6

Paid

	£.	s.	d.
Paid for Duty and Parchment — — — —	0	11	6
Paid for Copy Draught Report — — — —	0	4	0
Warrant on preparing ſame, Copy, and Service — — —	0	3	0
The like to ſettle ſame — — — — —	0	3	0
Attending thereon — — — — —	0	6	8
Paid for Report, &c. — — — — —	1	7	6
Paid filing, and for Office Copy — — — —	0	5	10
Letters and Meſſengers — — — — —	0	2	0

PRACTICAL DIRECTIONS,

AND

REMARKS,

On a Petition for appointing a Guardian of the Perſon and Eſtate of an Infant.

FORM OF THE PETITION,

On the Behalf of ROBERT JOHNSON, an INFANT.

" To the Right Honourable the Maſter of the Rolls.

" The humble Petition of Robert Johnſon, an Infant of the Age of 17 Years, or thereabouts;

" Sheweth,

" THAT your Petitioner's late Uncle, John Giles, of Colcheſter, in the " County of Eſſex, Gentleman, by his laſt Will and Teſtament, duly exe- " cuted, bearing date the 10th day of May, 1769, among other things gave " and deviſed (*here ſtate the Deviſes in which the Infant is intereſted, either in Poſ- " ſeſſion or Reverſion.*)

" That your Petitioner's late Father, Stephen Johnſon, by his laſt Will and " Teſtament, dated the 15th day of June, 1775, gave and bequeathed unto your " Petitioner £. 1,000 three per Cent. Conſolidated Annuities, and of his ſaid Will " appointed his Brother-in-law, George Giles, your Petitioner's Uncle, his Exe- " cutor, who hath duly proved the ſame in the proper Eccleſiaſtical Court.

" That your Petitioner's Mother died in the life-time of the ſaid Stephen Johnſon; " and the ſaid Stephen Johnſon died on or about the 25th day of June laſt, leaving " your Petitioner, his eldeſt Son and Heir at Law, and two Daughters.

" That

" That your Petitioner has requeſted the ſaid George Giles to be the Guardian " of your Petitioner's Perſon and Fortune, which he has agreed to accept.

" Your Petitioner, therefore, humbly prays your Honour, that the ſaid " George Giles may be appointed the Guardian of your Petitioner's Perſon " and Fortune.

" And your Petitioner ſhall ever pray, &c."

The Order made by the Maſter of the Rolls, on the Petition being left with his Secretary, is to the following effect;

" It is ordered that it be referred to Mr. , one of the Maſters of this " Court, to approve of a proper Perſon or Perſons to be appointed Guardian or " Guardians of the Petitioner during his Minority; and all proper Parties are to " have Notice to attend the ſaid Maſter thereon, and be at liberty to propoſe ſuch " Guardian or Guardians; and the ſaid Maſter is to certify the Petitioner's Age, " and the nature and amount of his Fortune, and what Relations he has, and on " what Evidence or Ground he approves of any particular Perſon or Perſons to be " ſuch Guardian or Guardians; and after the ſaid Maſter ſhall have made his " Report, ſuch further Order ſhall be made as ſhall be juſt."

Leave the Petition, anſwered, at the Regiſter Office, with Mr. Bird there, who will draw up and paſs the Order, which muſt be entered with the proper Entering Clerk.

When the Order is paſſed and entered, leave a Copy thereof with the Maſter, to whom the matter is referred; draw a State of Facts, which ſhould ſtate the Property of the Infant, in what manner he became entitled thereto, the yearly value of any Freehold, Copyhold, or Leaſehold Eſtates of which ſuch Property conſiſts, and the amount of the Perſonalty. The Infant's Age, and the names of his Relations, or next of Kin, muſt be ſtated, in the following manner:

After ſtating the Infant's real Eſtates, and in what manner he became entitled thereto, the ſtate of Facts ſhould proceed as follows:

" That the ſaid Freehold and Copyhold Eſtates, to which the ſaid Infant is " entitled in Tail Male, in Poſſeſſion, are of the yearly value of £.150, or there- " abouts; and the ſaid Freehold and Copyhold Eſtates to which he is intitled in " Fee in Poſſeſſion, are of the yearly value of £.60, or thereabouts; and the " Eſtates to which he is entitled in Fee, upon the Death of the ſaid *A. B.* without " Iſſue, are of the yearly value of £.110, or thereabouts; and that the ſaid Infant is " not entitled to any other real Eſtate.

" That the ſaid Infant is entitled to the ſum of £.1,000 three per Cent. Conſoli- " dated Annuities, transferrable at the Bank of England, bequeathed to him in and " by the Will of his late Father, Stephen Johnſon, bearing date the 15th day of " June 1775, which ſaid Sum of £.1,000 Conſolidated three per Cent. Annuities " ſtill ſtands in the name of the ſaid Stephen Johnſon, deceaſed, in the Books of " the Bank of England, ſubjected to his Will; and that the ſaid Infant is not " entitled to any other perſonal Eſtate.

" That the ſaid George Giles, and Jane Giles, of Colcheſter aforeſaid, Spinſter, " are the Uncle and Aunt of the ſaid Infant by the Mother's ſide; and he has no " other relations, except two Siſters, who are Infants.

" That the ſaid Infant is now of the age of ſeventeen years, or thereabouts.

" The ſaid Infant, and the ſaid George Giles and Jane Giles, his Uncle and Aunt, " propoſe the ſaid George Giles to be the Guardian of the Perſon and Fortune of " the ſaid Infant during his Minority."

The Affidavit in ſupport of the above State of Facts is to the following effect:

" In the Matter of Robert Johnſon, an Infant.

" George Giles, of Gentleman, maketh Oath and ſaith, " That the Eſtate to which the ſaid Robert Johnſon is entitled in Tail Male, under " the Will of John Giles, deceaſed, conſiſts of a Freehold and Copyhold Eſtate " at L—— in the County of Eſſex, and is of the yearly value of £.150, or there- " abouts; and that the Eſtate to which he is intitled in Fee in Poſſeſſion, under

" the ſaid Will, conſiſts of a Freehold and Copyhold Eſtate at R——— in the " County aforeſaid, and is of the yearly value of £.60, or thereabouts *(ſo deſcrib-* " *ing the other Eſtates)*; and this Deponent further ſaith, that the ſaid Robert " Johnſon the Infant is entitled to the ſum of £.1,000 Conſolidated three per " Cent. Annuities, transferrable at the Bank of England, being a deviſe or bequeſt " in the Will of his late Father, Stephen Johnſon, and which ſaid ſum of £.1,000 " is now ſtanding in the name of the ſaid Stephen Johnſon in the Books of the " Bank, ſubjected to the ſaid Will; and this Deponent further ſaith, that the " ſaid Robert Johnſon is not entitled to any other property, real or perſonal, to " the knowledge or belief of this Deponent; and this Deponent further ſaith, that " the ſaid Robert Johnſon was born ſome time in the month of 1760, as " this Deponent believes, and that this Deponent and Jane Giles, this Deponent's " Siſter, are the only relations of the ſaid Robert Johnſon by his Mother's ſide, as " this Deponent knows or believes; and that the ſaid Robert Johnſon hath no " relations on his Father's ſide, to the knowledge or belief of this Deponent; " and this Deponent further ſaith, that the ſaid Jane Giles, this Deponent's Siſter, " declines being a Guardian of the ſaid Robert Johnſon."

The Maſter having made his Report, a Petition muſt be preſented to the Maſter of the Rolls (or to the Chancellor) to confirm the ſame; the Petition may be in the name of the Infant only, or by the Infant and the Perſon named as his Guardian. The Prayer of the Petition muſt be—" That the ſaid Report of the ſaid " Maſter may be confirmed, and that *your Petitioner*, the ſaid " George Giles, may be appointed the Guardian of your ſaid Petitioner the Infant's " Perſon and Fortune, or that your Honour will be pleaſed to make ſuch other " Order in the Premiſes as to your Honour ſhall ſeem meet: and your Petitioners " ſhall ever pray, &c."

The Petition, with a Copy thereof, likewiſe a Copy of the Report, muſt be left with the Secretary at the Rolls (if preſented there, or with the Lord Chancellor's Secretary, if intended to be heard in Court) who will procure the ſame anſwered, and will ſet the Petition down in the Paper of Petitions to be heard in its courſe.

On the Hearing of the Petition, an Order will be made, confirming the Report, and appointing the Perſon propoſed Guardian, on his entering into a Recognizance duly to account for the Infant's Property and Fortune.

Procure the Order to be drawn up and entered, and leave a Copy thereof with the Maſter, whoſe Clerk will prepare the Recognizance, and ſee that the ſame is duly entered into.

This Recognizance ſhould be vacated when the Infant arrives of Age, and the Guardian has ſettled his Accounts with him. An Order for that Purpoſe will be made, on Application to the Court by a Petition.

OBSERVATIONS.

This ſummary Mode of Application to the Juriſdiction of the Court in the caſe of Infants, has been much encouraged, and is now eſtabliſhed beyond diſpute. The Application may be for *Maintenance*, as well as the appointment of a Guardian, *but not for a Receiver*. See, as to Maintenance, the Caſes expte Whitfield, 2 Atk. 315, and expte Kent, 3 Br. 88. And as to a Receiver, 1 Atk. 489, and expte Whitfield before mentioned. But the Application muſt be for the protecting an Intereſt (and therefore the Eſtate and Property of the Infant muſt be ſhewn) and not for the appointment of a Guardian, to conſent to a Marriage only; in this latter caſe the Juriſdiction being given to the Court by the act of the 26th Geo. 2. Cap. 33. (commonly called the Marriage Act) the Petition muſt be under that Act. Expte Becher, 1 Br. 556. For the manner in which the Court acquired this Juriſdiction, ſee 1 Atk. 516, and Mr. Hargrave's Diſſertation thereon in his Notes on Coke upon Littleton, 89. a. n. 16.

In expte Ricards, 3 Atk. 518, it was ſaid by the Lord Chancellor, that there was no inſtance where there was a teſtamentary Guardian appointed, as directed by the act of 12 Cha. 2. cap. 24. that the Court have in this ſummary way confirmed the Guardianſhip, or ſent it to the Maſter to aſcertain what ſhould be allowed to the Guardian for the Infant's maintenance, and thought a Bill neceſſary for the purpoſe.

BILL OF COSTS

ON A

PETITION,

That an Infant Heir might be directed to convey Mortgaged Premiſes.

Mr. EDMUND RAILTON to *A. B.* Debtor;

Reſpecting the Sale of your Eſtate at *A.*; and an Application to the Court of Chancery that JOHN WILSON, an Infant Heir, in whom the ſaid Eſtate was veſted, might convey purſuant to the Act of Parliament.

	£.	*s.*	*d.*
1787. February 15th. ATTENDING you, adviſing on your having contracted for the Sale of your Eſtate at *A.* to Mr. Johnſon, and taking Inſtructions to prepare an Abſtract of the Title, to be delivered to his Attorney — — — —	0	6	8
Peruſing an Abſtract found among the Title Deeds, and comparing it with the Deeds, when I found that ſeveral Alterations were neceſſary to be made therein — — — — — —	1	1	0
Attending you, adviſing on the Mortgagee being dead without having made any Deviſe of his real Eſtates, peruſing his Will, and taking Inſtructions to draw Petition, that his Infant Heir might convey —	0	6	8
Drawing Petition to the Maſter of the Rolls for that Purpoſe —	0	6	8
Engroſſing ſame, fol. 10, and Duty — — — —	0	3	3
Paid anſwering Petition — — — — —	0	5	6

Paid

	£.	s.	d.
Paid for Order — — — — — —	0	12	0
Paid entering the ſame — — — — —	0	3	0
Attending to get the Petition anſwered, to beſpeak the Order, and afterwards examining and paſſing the ſame — — —	0	6	8
Making a Copy of the Order, for the Maſter — — —	0	2	6
Drawing State of Facts, for him, fol. 12 — — —	0	6	0
Copy thereof to leave — — — — —	0	2	0
Attending Mr. D. taking Inſtructions for his Affidavit of the Death of the Mortgagee in Support thereof — — — —	0	6	8
Drawing and engroſſing his Affidavit, Duty, and paid Oath — —	0	6	7
Attending Mr. D. reading over the ſame, and afterwards with him to the Maſter's Chambers to get him ſworn thereto — — —	0	6	8
Warrant on leaving State of Facts, and Affidavit, Copy, and Service —	0	3	0
Warrant to proceed thereon, Copy, and Service — — —	0	3	0
Attending thereon, when the State of Facts was allowed — —	0	6	8
Paid for a Copy of the Draught of the Maſter's Report, fol. 13 —	0	6	6
Making Copy thereof — — — — —	0	2	2
Peruſing and conſidering the ſame, and making ſeveral Alterations therein — — — — — —	0	6	8
Warrant on Report being prepared, Copy, and Service — —	0	3	0
Warrant to ſettle the ſame, Copy, and Service — — —	0	3	0
Attending thereon — — — — — —	0	6	8
Warrant to ſign the Report, Copy, and Service — — —	0	3	0
Attending examining the Tranſcript of the Report — —	0	6	8
Paid for the Report — — £. 1. 5s.			
tranſcribing — — 0 2			
Maſter's Clerk — 0 5			
	1	12	0

Paid

	£.	s.	d.
Paid filing Report, and for Office Copy — — —	0	8	10
Drawing Petition to confirm Report, and for further Directions, fol. 15	0	7	6
Engroſſing the ſame to preſent, and Duty — — —	0	4	1
Paid anſwering the ſame — — — — —	0	5	6
Making Copy of the Report and Petition for the Maſter of the Rolls, fol. 28 — — — — — —	0	4	8
Paid on leaving the ſame — — — — —	0	5	0
Attending for that Purpoſe — — — — —	0	6	8
Drawing Brief for Counſel, and fair Copy — — —	0	10	0
Fee to Mr. Lloyd, with Brief, and Clerk — — —	1	3	6
Attending him — — — — — —	0	6	8
Attending Court, Petition heard, and Order made — —	0	6	8
Paid Court Fees and Officers — — — —	0	7	0
Paid for Order — — — — — —	0	19	0
Peruſing ſame, and attending the Regiſter examining and paſſing it —	0	6	8
Paid entering ſame — — — — —	0	4	0
Letters and Meſſengers — — — — —	0	2	0

PRACTICAL DIRECTIONS,

AND

REMARKS,

On the Proceedings on a Petition, that an Infant Heir may convey mortgaged Premiſes, purſuant to the 7th Ann, cap. 19.

BY the 7th Ann, Cap. 19th, after reciting that many inconveniences did and might ariſe, by reaſon that perſons under the age of twenty-one years, having Eſtates in Lands, Tenements, or Hereditaments only in Truſt for others, or by way of Mortgage, could not (though by the direction of the Ceſtuy que Truſt, or Mortgagor) convey any ſure Eſtate in any ſuch Lands, Tenements, or Hereditaments, to any other Perſon or Perſons; for remedy thereof it is enacted—(Sect. 1.) "That it ſhall and may be lawful to and for any ſuch Perſon or Perſons, under the "Age of one-and-twenty years, by the Direction of the High Court of Chancery, "or the Court of Exchequer, ſignified by an Order made upon hearing all Parties "concerned, on the Petition of the Perſon or Perſons for whom ſuch Infant or "Infants ſhall be ſeiſed or poſſeſſed in Truſt, or of the Mortgagor or Mortgagors, "or Guardian or Guardians of ſuch Infant or Infants, or Perſon or Perſons entitled "to the Monies ſecured by or upon any Lands, Tenements, or Hereditaments "whereof any Infant or Infants are or ſhall be ſeiſed or poſſeſſed by way of Mort-"gage, or of the Perſon or Perſons entitled to the Redemption thereof, to convey "and aſſure any ſuch Lands, Tenements, or Hereditaments, in ſuch manner as the "ſaid Court of Chancery or the Court of Exchequer ſhall, by ſuch Order ſo to be "obtained, direct, to any other Perſon or Perſons; and ſuch Conveyance or Aſſur-"ance ſo to be had and made as aforeſaid, ſhall be as good and effectual in Law, to "all intents and purpoſes whatſoever, as if the ſaid Infants or Infant were, at the "time of making ſuch Conveyance or Aſſurance, of the full Age of one-and-

"twenty

" twenty years; any Law, Cuſtom, or Uſage to the contrary in any wiſe notwith-
" ſtanding."

And by the ſecond Section it is enacted—" That all and every ſuch Infant or
" Infants, being only Truſtee or Truſtees, Mortgagee or Mortgagees as aforeſaid,
" ſhall and may be compelled by ſuch Order, ſo as aforeſaid to be obtained, to
" make ſuch Conveyance or Conveyances, Aſſurance or Aſſurances, as aforeſaid,
" in like manner as Truſtees or Mortgagees of full Age are compellable to convey
" or aſſign their Truſt Eſtates or Mortgages."

FORM OF THE PETITION,

" To the Right Honourable the Maſter of the Rolls.

" The humble Petition of EDMUND RAILTON, of the Strand, in the County of
" Middleſex, Hoſier;

" Sheweth,

" That by Indentures of Leaſe and Releaſe, bearing date reſpectively the 9th and
" 10th days of June 1784, made between your Petitioner of the one part, and
" John Wilſon, of Charing-Croſs, in the ſaid County of Middleſex, Gentleman,
" of the other part, your Petitioner, in conſideration of the ſum of £.700 to
" him paid by the ſaid John Wilſon, did grant, bargain, ſell, alien, releaſe, and
" confirm unto the ſaid John Wilſon, all that Meſſuage or Tenement, &c. to hold
" the ſame unto and to the uſe of the ſaid John Wilſon, his Heirs and Aſſigns, for
" ever, with a Proviſo in the ſaid Indenture of Releaſe contained, for Redemption
" of the ſaid Premiſes, on payment of the ſum of £.700 to the ſaid John Wilſon,
" his Executors, Adminiſtrators, or Aſſigns, with Intereſt for the ſame, on the
" 10th day of June 1785.

" That the ſaid ſum of £.700 was not paid at the day in the ſaid Proviſo men-
" tioned for payment thereof, by reaſon whereof the Eſtate and Intereſt of the ſaid
" John Wilſon, his Heirs and Aſſigns, in the aforeſaid Premiſes, became abſolute
" in Law.

" That the ſaid John Wilſon departed this life on or about the 4th day of Feb-
" ruary 1786, leaving John Wilſon, his eldeſt Son and Heir at Law, now an
" Infant under the age of twenty-one years, that is to ſay of the age of fifteen years,
" or thereabouts, in whom the legal Eſtate of and in the ſame Premiſes is now
" veſted.

" That your Petitioner, being deſirous of paying off the Money due on the ſaid
" Mortgage, hath applied to Elizabeth Wilſon, the Widow and Executrix of the
" ſaid John Wilſon, deceaſed, who hath agreed to receive the ſame; but the legal
" Eſtate of and in the ſaid Premiſes being veſted in the ſaid John Wilſon the Infant
" as aforeſaid, cannot be by him conveyed without the Order and Direction of the
" Court of Chancery, in purſuance of the Statute in that caſe made and provided.

" Your Petitioner, therefore, moſt humbly prays your Honour, That the
" ſaid John Wilſon the Infant may be directed, by the Order of this
" Honourable Court, to releaſe and convey the ſaid Premiſes herein before
" and in the ſaid Indenture of Releaſe compriſed and mentioned, and all his
" Eſtate, Right, Title, and Intereſt in and to the ſame, unto and to the uſe
" of your Petitioner, his Heirs and Aſſigns, or to ſuch Perſon or Perſons,
" and in ſuch manner and form, as your Petitioner ſhall in that behalf direct
" and appoint, upon full Payment and Satisfaction by your Petitioner of all
" Principal Money and Intereſt due, or to become due, on the ſaid Mortgage
" as aforeſaid.

" And your Petitioner ſhall ever pray, &c."

This Petition is anſwered at the Rolls, and the Order drawn up at the Regiſter Office by Mr. Bird there, and paſſed and entered in the uſual manner.

The Order is to the following purport; viz.

" That it be referred to Mr. one of the Maſters of this Court, to
" examine and certify how the ſaid Eſtate is veſted in the ſaid John Wilſon, the
" Son; and whether he is an Infant, and a Mortgagee, within the intent and mean-
" ing of the Act of Parliament made in the ſeventh year of the reign of her late
" Majeſty Queen Ann, intituled, " An Act to enable Infants who are ſeiſed or

" poſſeſſed of Eſtates in Fee, in Truſt, or by way of Mortgage, to make Convey-
" ances of ſuch Eſtates;" and after the ſaid Maſter ſhall have made his Report, ſuch further Order ſhall be made as ſhall be juſt.

Make a Copy of the Order for the Maſter; then draw a State of Facts to be left with him, and an Affidavit in Support of it. The State of Facts muſt ſhortly ſtate the Indentures of Mortgage; that Default was made in Payment of the Money on the day mentioned in the Proviſo, by means whereof the Eſtate of the Mortgagee became abſolute in Law; that the Mortgagee died on the 4th day of February 1786, having made and publiſhed his laſt Will and Teſtament, and thereof appointed Elizabeth Wilſon, his Widow, his Executrix, who duly proved the ſame; but that the ſaid Teſtator not having made any diſpoſition of the legal Eſtate of and in the ſaid mortgaged Premiſes, the ſame deſcended to, and became veſted in, John Wilſon, his eldeſt Son and Heir at Law, who is an Infant of the Age of fifteen years, or thereabouts.

The Mortgage Deeds, and an Affidavit of the Death of the Mortgagee, and the Age of the Infant, are the only Evidence required by the Maſter in Support of the State of Facts.

The Affidavit may either be, verifying an Extract from the Regiſter of the Burial of the Mortgagee, averring that the Perſon named in the Extract, and the Mortgagee, were one and the ſame Perſon, in the uſual manner, or to the following purport:

" In Chancery.

" In the Matter of John Wilſon, an Infant.

" *A. B.* of Gentleman, maketh Oath and ſaith, That he well knew,
" and was acquainted with, John Wilſon, late of Charing Croſs, in the County of
" Middleſex, Gentleman, Father of the abovenamed John Wilſon, the Infant; and
" that he died on the 4th day of February 1786, and was buried at the Pariſh of
" St. Giles in the Fields, in the ſaid County of Middleſex, on the 12th day of the
" ſame month of February, and left the above-named John Wilſon an Infant, now of
" the Age of fifteen years, or thereabouts, his eldeſt Son and Heir at Law; and

" this Deponent ſaith, that he was preſent at the Burial of the ſaid John Wilſon, " the Father of the ſaid Infant, at the Pariſh of St. Giles in the Fields aforeſaid."

On the Maſter having made his Report, a Petition muſt be preſented to confirm the ſame, and that the Conveyance by the Infant may be ordered in conſequence.

The Petition muſt ſtate the Facts of the Mortgage, &c. as before, the Order of Reference to the Maſter, the Report made in conſequence; and the Prayer muſt be—" That the ſaid Maſter's ſaid Report may ſtand abſolutely confirmed; and that " the ſaid John Wilſon, the Infant, may be directed, by the Order of this Honour- " able Court, to releaſe and convey the ſaid Premiſes hereinbefore and in the ſaid " Indentures of Leaſe and Releaſe compriſed and mentioned, and all his Eſtate, " Right, Title, and Intereſt in and to the ſame, unto and to the uſe of your Peti- " tioner, his Heirs and Aſſigns, or as he or they ſhall direct or appoint, upon full " Satisfaction and Payment by your Petitioner of all Principal Money and Inte- " reſt due, or to be due, on the ſaid Mortgage as aforeſaid."

The Petition, being anſwered, will ſtand in the Paper of Petitions at the Rolls, will be heard in its courſe, and the Order made as prayed.

In caſes where the Truſts appear *in writing*, and it is plain the Infant can have no Intereſt, being a mere Truſtee, he will be ordered to convey in the above ſummary manner; but where the Truſt is merely ſo by Conſtruction of Equity, or is not declared by Deed, there the Party ſeeking a Conveyance from an Infant will be driven to file his Bill.—Exparte Vernon, 2d Williams 548; Goodwin *v.* Liſter, 3d Williams 386; Hawkins *v.* Obeen, 2d Vezey 549.

BILL

BILL OF COSTS

FOR

A PLAINTIFF,

Where an Iſſue was directed on the Hearing.

IN CHANCERY.

Between STEPHEN RUDD, Eſquire — — — — — PLAINTIFF.

AND

JOHN MILLAR — — — — — — — DEFENDANT.

BILL OF COSTS FOR THE PLAINTIFF.

MICHAELMAS TERM, 1786.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
TAKING Inſtructions for Bill — — —	0 6 8	
Drawing ſame, fol. 98 — — —	2 9 0	
Fair Copy thereof, for Counſel — — —	0 16 4	
Fee to Mr. Stanley to ſettle and ſign ſame, and Clerk —	3 5 6	0 2 6
Attending him — — — — —	0 6 8	
Engroſſing Bill — — — — —	1 12 8	
Paid for Parchment and Duty — — —	0 10 0	
Paid filing ſame, and for Rule — — —	0 5 4	

Paid

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid for Subpœna — — — — —	0 6 0	
Writing to Mr. at inſtructing him to ſerve the ſame — — — — —	0 3 6	0 3 6
Paid him his Bill on that Occaſion — — —	0 19 6	0 14 6
Term Fee, Solicitor — — — —	0 6 8	
Letters and Meſſengers — — — —	0 2 0	

HILARY TERM, 1787.

Paid for Office Copy Anſwer, fol. 102 — —	4 13 6	
Making a Cloſe Copy thereof, ſent into the Country —	0 17 0	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

EASTER TERM, 1787.

Replication and Duty — — — — —	0 6 4	
Inſtructions to Counſel, to move for a Subpœna to rejoin, returnable immediately; and that Service thereof on the Defendants' Clerk in Court might be deemed good Service — — — — —	0 2 6	
Fee to Mr. Stanley, to move — — —	0 10 6	
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 1 0
Paid for Subpœna — — — —	0 6 0	
Service of the Order and of the Subpœna on the Defendant's Clerk in Court — — — —	0 3 6	
Abbreviating Bill and Anſwer, fol. 98, 102=200 —	1 13 4	

Two

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Two fair Copies thereof, for Counſel, ſixteen Brief Sheets each — — — — —	4 0 0	
Taking Inſtructions for Interrogatories — —	0 6 8	
Drawing ſame, fol. 23 — — — —	0 11 6	
Fair Copy thereof, for Counſel to ſettle and ſign —	0 3 10	
Fee to Mr. Stanley therewith, and with a Brief of the Pleadings, to adviſe on the neceſſary Evidence, &c. —	3 3 0	1 1 0
His Clerk — — — — —	0 2 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Engroſſing Interrogatories — — —	0 7 8	
Paid for Parchment and Duty — — —	0 4 6	
Attending the Examiner therewith, and inſtructing him —	0 6 8	
Attending the Plaintiff, adviſing on the Evidence neceſſary for the Support of his Caſe — — —	0 6 8	0 6 8
Attending Mr. *A. B.* examining him, and taking Minutes of his Evidence, &c. — — — —	0 6 8	0 6 8
The like Attendance on Mr. *C. D.* — — —	0 6 8	0 6 8
The like Attendance on Mr. *E. F.* — — —	0 6 8	0 6 8
Attending them afterwards to the Examiner, inſtructing him, &c. — — — — —	0 6 8	0 6 8
Attending Mr. *G. H.* ſeveral Hours, examining him, and taking Minutes of his Evidence — — —	0 13 4	0 13 4
Attending him afterwards to the Examiner — —	0 6 8	0 6 8
Rule to produce Witneſſes — — —	0 4 4	
Rule to paſs Publication — — — —	0 4 4	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 3 0	

EASTER VACATION, 1787.

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Paid for Six Clerks' Certificate of Pleadings filed —	0 2 6	
Paid ſetting down Cauſe, and for Regiſter's Note —	1 5 8	
Paid for Subpœna for Judgment — — —	0 6 0	
Service thereof — — — — —	0 5 0	
Drawing and engroſſing Affidavit thereof, Duty, and Oath —	0 6 3	
Paid filing ſame, and for Office Copy — —	0 5 7	
Paid the Examiner's Bill, and for Office Copy Plaintiff's Depoſitions — — — — —	6 8 6	
Paid for a Copy of the Defendant's Depoſitions — —	5 9 6	
Abbreviating the ſame, fol. 160 — — —	1 6 8	
Two fair Copies thereof, to add to the Briefs of the Pleadings for Counſel, twelve ſheets each — — —	3 0 0	
Attending the Plaintiff, adviſing on the Neceſſity of proving ſeveral Letters vivâ voce at the Hearing, and for the Name of a Perſon who could prove the Defendant's Hand Writing thereto — — — —	0 6 8	0 6 8
Drawing Brief for Counſel to move that the Plaintiff might be at Liberty to prove ſeveral Letters vivâ voce at the Hearing, and Copy for him — — —	0 5 0	0 2 6
Fee to Mr. Stanley, to move — — —	0 10 6	
Attending him, and Court — — — —	0 6 8	0 6 8
Paid for Order, Entry, Copy, and Service — —	0 13 0	
Letters and Meſſengers — — — —	0 2 0	0 2 0

TRINITY TERM, 1787.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Fee to Mr. Mansfield, and Clerk, with Brief — —	10 12 6	2 2 0
Attending him — — — — —	0 6 8	
Fee to Mr. Stanley and Clerk, with Brief — —	5 7 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Drawing Obſervations on the Plaintiff's Caſe, for Counſel, four Brief Sheets — — — —	1 6 8	
Two fair Copies thereof — — — —	1 0 0	
Attending Mr. Mansfield and Mr. Stanley ſeverally therewith	0 6 8	0 6 8
July 4th, 5th, and 6th. Attending Court; Cauſe in the Paper, but not called on — — — —	1 0 0	
—— 9th and 10th. Attending Court theſe Days during the Hearing of the Cauſe, Clerk, and Solicitor, when an Iſſue was directed — — — — —	1 6 8	
Paid Court Fees and Officers — — —	0 12 6	
Paid for Copy Minutes — — — —	0 3 0	
Attending the Regiſter ſettling the ſame — —	0 6 8	0 6 8
Paid for Decree — — — —	6 15 0	
Attending the Regiſter examining and paſſing the ſame —	0 6 8	
Paid entering the ſame — — — —	1 8 0	
Attending the Plaintiff, adviſing on the Decree, and the Iſſue directed thereby, the neceſſary Evidence to be produced on the Trial thereof, &c. &c. — — —	0 6 8	0 6 8
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

IN THE KING's BENCH.

RUDD *againſt* MILLAR.

MICHAELMAS TERM, 1787.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Peruſing the Decree and Papers in the Cauſe, as Inſtructions to draw the Iſſue directed to be tried — —	0 13 4	0 10 0
Drawing ſame, fol. 20 — — — —	1 0 0	
Fair Copy thereof, for Counſel — — —	0 6 8	0 6 8
Fee to Mr. Baldwin to ſettle ſame, and Clerk — —	1 3 6	0 2 6
Attending him — — — — —	0 6 8	0 3 4
Making Copy of the Decree, directing the Iſſue to accompany the ſame — — — — —	0 5 0	0 2 6
Making Copy of the Iſſue for the Defendant's Attorney —	0 6 8	
Attending him therewith, and afterwards on him to ſettle the ſame — — — — —	0 6 8	
Engroſſing Bill, Parchment, Duty, continuing, and filing -	0 8 3	
Notice of Trial, Copy, and Service — — —	0 3 0	
Entering the Iſſue on the Roll, and paid for the Entries —	0 15 2	
Warrant and Docquet — — — —	0 2 4	
Drawing Placita's and Jurata — — —	0 5 0	0 3 0
Engroſſing Record, fol. 25 — — —	0 8 4	
Parchment and Duty — — — —	0 7 0	
Paid paſſing Record, and Sealer — — —	1 2 0	
Fee thereon — — — — —	0 6 8	

Attending

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending adviſing as to trying the Iſſue by a Special or common Jury — — — — —	0 6 8	0 6 8
Inſtructions for Counſel to move for a Special Jury —	0 2 6	
Fee to him therewith — — — —	0 10 6	
Attending him, and Court — — —	0 6 8	0 6 8
Paid for Rule — — — — —	0 7 0	
Copy, and Service on the Defendant's Attorney — —	0 3 0	
The like on the Sheriffs and Maſter — — —	0 6 0	
Attending the Maſter for an Appointment to name the Jury	0 6 8	0 6 8
Copy and Service of the Appointment on the Defendant's Attorney — — — — —	0 3 0	
The like on the Sheriffs — — — —	0 3 0	
Attending thereon, but the Defendant's Attorney did not attend — — — — —	0 6 8	0 3 4
Another Appointment, Copies, and Service — —	0 6 0	
Attending thereon, when the Jury were named —	0 6 8	
Paid the Maſter and Sheriffs — — —	4 4 0	
Paid for a Liſt of the forty-eight — — —	0 2 6	
Copy thereof, for the Plaintiff — — —	0 2 6	
Attending him, taking Inſtructions to reduce the ſame —	0 6 8	
Attending the Maſter for his Appointment to reduce the Jury — — — — —	0 6 8	0 6 8
Copy and Service thereof — — — —	0 3 0	
Attending the Appointment reducing the Jury — —	0 6 8	0 3 4
Paid for Liſt of twenty-four — — —	0 2 6	
Copy thereof for Uſe — — — —	0 2 6	
Venire and Fee — — — — —	0 8 6	0 0 6

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Special Diſtringas, and Fee — — —	0 12 0	
Paid returning the ſame — — — —	0 8 8	
Attending for that purpoſe — — —	0 3 4	
Paid ſetting down Cauſe — — — —	0 11 8	
Attending for that purpoſe — — — —	0 6 8	0 6 8
Peruſing the Proceedings in Equity, and attending the Plaintiff, taking Inſtructions for Brief — — —	0 13 4	0 6 8
Drawing Brief, twenty-two Sheets — — —	7 6 8	
Attending the Plaintiff, reading over and ſettling the ſame	0 13 4	0 13 4
Attending fourteen Witneſſes ſeverally, examining them, and taking Minutes of their Evidence, in order to ſettle the Proofs — — — — —	2 6 8	2 6 8
Making three Copies of the Brief for Counſel, twenty-two Sheets each — — — — —	11 0 0	
Drawing Notice to the Defendants to produce ſeveral Books, Papers, and Letters, two Copies, and Service on the Defendant and his Attorney — — —	0 5 0	
Three Copies thereof, annexed to Briefs — —	0 3 0	
The like of the Defendant's Notice to produce — —	0 3 0	
Fee to Mr. Erſkine, and Clerk, with Brief — —	12 14 6	
Attending him — — — — —	0 6 8	0 3 4
Fee to Mr. Mingay, and Clerk, with Brief — —	10 12 6	
Attending him — — — — —	0 6 8	0 3 4
Fee to Mr. Baldwin, and Clerk, with Brief — —	6 8 6	1 1 0
Attending him — — — — —	0 6 8	0 3 4
Attending the Counſel ſeverally, to get a Conſultation fixed	0 6 8	0 6 8
Attending the Conſultation — — —	0 13 4	0 13 4
Fee to Mr. Erſkine, on Conſultation — —	2 2 0	2 2 0

The

	CHARGE. £. s. d.	TAX OFF. £. s. d.
The like to Mr. Mingay — — — —	2 2 0	2 2 0
The like to Mr. Baldwin — — — —	2 2 0	2 2 0
To Mr. Erſkine's Clerk and Servant — —	0 7 6	0 7 6
Five Subpœnas — — — —	2 0 0	
Twenty Copies, to ſerve — — — —	1 0 0	
Service thereof on nineteen Witneſſes — —	2 7 6	
Conduct Money to Mr. *A.* and Mr. *B.* Attornies —	2 2 0	
The like to ſeventeen other Witneſſes — —	0 17 0	
Writing to Mr. of incloſing a Subpœna, and inſtructing him to ſerve Mr. *J. W.* a Witneſs —	0 3 6	
Paid Mr. his Bill thereon — — —	0 9 8	
Attending the Witneſs on his Arrival in Town, examining him, and taking Minutes of his Evidence — —	0 6 8	0 6 8
Attending the Plaintiff, looking out the Papers and Writings to produce on the Trial, purſuant to the Defendant's Notice — — — — —	0 6 8	
Attending the Defendant's Solicitor, for his Office Copy of the Bill in Chancery, in order to examine the ſame, and the Office Copy of the Anſwer, for the Purpoſe of having the ſame read on the Trial — — —	0 6 8	0 6 8
Examining the Office Copies of the Bill and Anſwer with the Records, fol. 200 — — — —	0 16 8	
Paid Clerk in Court thereon — — —	0 16 8	
December 7th, 8th, and 9th. Attending Court to get the Cauſe appointed for Trial — — —	1 0 0	
——— 10th. Attending Court for the like Purpoſe; when the Cauſe was appointed for the 13th — —	0 6 8	
——— 13th. Attending Court; Cauſe tried; Verdict for Plaintiff — — — — —	0 13 4	

Clerk's

	CHARGE £. s. d.	TAX OFF. £. s. d.
Clerk's Attendance, to prove the Service of the Notice to produce, and the Office Copies of the Bill and Anſwer in Chancery — — — — —	0 6 8	0 6 8
Paid Court Fees — — — —	4 11 0	
Paid the Sheriff ſummoning the Jury — —	2 2 0	
Paid the Secondary attending to name Tales — —	1 1 0	
Paid the Witneſſes for their loſs of Time, and Expences on attending Trial — — — —	5 8 6	1 8 6
Paid the Witneſs from the Country his Expences and Loſs of Time — — — — —	3 13 6	
Term Fee — — — — —	0 5 0	
Letters and Meſſengers — — — —	0 2 0	

HILARY TERM, 1788.

Rule on Poſtea — — — — —	0 2 6	
Drawing and engroſſing Poſtea — — —	0 6 0	
Paid ſtamping ſame — — — —	0 5 0	
Attending at the Stamp Office for that Purpoſe — —	0 3 4	
Paid delivering Poſtea — — — —	0 0 6	
Term Fee — — — — —	0 5 0	
Letters and Meſſengers — — — —	0 2 0	

EASTER TERM, 1788.

Attending the Maſter of the Court of King's Bench with the Bill of Coſts, for his Taxation of the Coſts at Law, at the Requeſt of the Maſter in Chancery — —	0 6 8	0 6 8
Copy of his Appointment to tax, and Service thereof on the Defendant's Attorney — — — —	0 3 0	

Attending

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending thereon, but the Defendants Attorney did not attend — — — — —	0 6 8	0 3 4
* Another Appointment to tax, Copy, and Service —	0 3 0	
Attending thereon, and proceeded, when the Defendant's Attorney required an Affidavit verifying the Payments to the Witneſſes, &c. — — — —	0 6 8	
Attending taking Inſtructions to draw the Affidavit —	0 6 8	
Drawing ſame, fol. 10 — — — —	0 6 8	
Engroſſing ſame, Duty, and paid Oath — —	0 5 11	
Attending the Maſter therewith, and for his Appointment to proceed on the Taxation — — —	0 6 8	0 6 8
Copy and Service thereof on the Defendant's Attorney —	0 3 0	
Attending thereon, when the Maſter finiſhed the Taxation —	0 6 8	
Paid the Maſter — — — —	0 7 0	
Term Fee — — — — —	0 5 0	0 5 0
Letters and Meſſengers — — — —	0 2 0	0 2 0

IN CHANCERY.

HILARY TERM, 1788.

Drawing and engroſſing Petition to ſet the Cauſe down to be heard on the Equity reſerved, and Duty — —	0 7 1	0 1 7
Paid anſwering the ſame — — — —	1 0 0	
Paid for Order, Entry, Copy, and Service — —	0 9 0	
Paid ſetting down Cauſe — — — —	0 1 0	
Making Copy of the Decree for the Chancellor, 40 Sides —	0 13 4	

* By a late Rule of the Court of King's Bench, the firſt Appointment is peremptory, and muſt be proceeded on, or the Maſter will tax the Coſts expte.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
The like of the Record ſent down for Trial, and Poſtea thereon returned, fol. 30 — — —	0 5 0	
Paid on leaving the ſame — — — —	0 5 0	
Attending for that Purpoſe — — —	0 6 8	
Drawing and engroſſing Affidavit of the Service of the Order for ſetting down the Cauſe on the Equity reſerved, Duty, and Oath — — — — —	0 5 7	
Paid filing the ſame, and for Office Copy — —	0 5 3	
Drawing Brief for Counſel, ſix Sheets — —	2 0 0	
Making two fair Copies thereof, for Counſel — —	1 10 0	
Fee to Mr. Mansfield therewith, accompanied by his former Brief, and Clerk — — — —	8 10 6	
Attending him — — — — —	0 6 8	
Fee to Mr. Stanley, and Clerk, with Brief — —	5 7 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
March 5th. Attending Court; Cauſe in the Paper, but not called on — — — — —	0 6 8	
—— 6th. The like Attendance, Clerk, and Solicitor, when the Cauſe was heard — — — —	0 13 4	
Paid Court Fees, and Officers — — —	0 12 6	
Paid for Copy Minutes — — — —	0 6 0	
Peruſing the ſame, and attending the Regiſter ſettling them	0 6 8	0 6 8
Paid for Order — — — — —	2 1 6	
Attending the Regiſter, examining and paſſing the ſame —	0 6 8	
Paid entering — — — — —	0 7 6	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 3 0	0 1 0

EASTER TERM, 1788.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Making Copy of the Order for the Maſter — —	0 2 6	
Taking Inſtructions to draw Interrogatories for the Examination of the Defendant — — — —	0 6 8	0 6 8
Drawing ſame, fol. 10 — — — —	0 5 0	
Copy thereof, for the Maſter — — —	0 1 8	0 1 8
Warrant on leaving ſame, Copy, and Service — —	0 3 0	
Warrant to ſettle the ſame, Copy, and Service — —	0 3 0	
Attending thereon, when the Interrogatories were approved of	0 6 8	
Paid for the Maſter's Certificate of Allowance, &c. —	1 7 6	
Paid filing ſame, and for Office Copy — —	0 4 10	
Paid the Maſter's Clerk engroſſing the Interrogatories, Parchment, and Duty — — — —	0 8 6	
Paid for a Copy of the Defendant's Examination, fol. 64 —	2 18 8	
Abbreviating the ſame — — — —	0 10 8	
Taking Inſtructions for Charge — — —	0 6 8	0 6 8
Drawing ſame, fol. 26 — — — —	0 13 0	
Copy thereof, for the Maſter — — —	0 4 4	0 4 4
Warrant on leaving the ſame, Copy, and Service —	0 3 0	
May 12th. Warrant to proceed thereon, Copy, and Service	0 3 0	
—— 14th. Attending thereon, and proceeded — —	0 6 8	
Another Warrant to proceed thereon, Copy, and Service —	0 3 0	
—— 17th. Attending thereon, when the Defendants' Solicitor did not attend — — — —	0 6 8	
Another Warrant to proceed thereon, Copy, and Service —	0 3 0	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
May 19th. Attending thereon, when the Maſter went through and allowed the Charge — — —	0 6 8	
Paid for a Copy of the Defendant's Diſcharge, fol. 18 —	0 9 0	
Making a Copy thereof, for the Plaintiff — —	0 3 0	0 3 0
Attending him, adviſing thereon — — —	0 6 8	0 6 8
—— 25th. Attending a Warrant on the Diſcharge, and proceeded — — — — —	0 6 8	
—— 28th. Attending another Warrant, when the Diſcharge was gone through, and allowed — — —	0 6 8	
Paid for a Copy of the Maſter's Report, fol. 56 — —	1 8 0	
Warrant on ſame being prepared, Copy, and Service —	0 3 0	
Making a Copy of the Report — — —	0 9 4	
Warrant to ſettle the ſame, Copy, and Service — —	0 3 0	
Attending thereon, when the Report was ſettled — —	0 6 8	
Drawing Bill of Coſts, and Copy, fol. 55 — —	1 7 6	
Warrant on leaving ſame, Copy, and Service — —	0 3 0	
Two Warrants to tax, Copies, and Service — —	0 6 0	
Attending thereon, Clerk, and Solicitor — —	1 6 8	
Warrant to ſign the Report, Copy, and Service — —	0 3 0	
Paid for Report tranſcribing, &c. — — —	1 19 0	
Paid filing ſame, and for Office Copy — —	2 12 0	
Paid for Subpœna, for Coſts, and perſonal Service thereof (conditional) — — — —	0 10 0	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

BILL OF COSTS

FOR THE

DEFENDANT

IN THE FOREGOING CAUSE.

JOHN MILLAR, Eſquire, to J. WILLIAMS, Debtor.

	£.	s.	d.
1786, October. ATTENDING you, on your having received a Letter from Mr. Rudd's Solicitor, informing you of his Determination to file a Bill in Chancery, and taking Inſtructions to defend you therein — — — — — —	0	6	8
Retainer to Mr. Solicitor General for you, and Clerk — —	1	3	6
Attending him — — — — — —	0	6	8

IN CHANCERY.

YOURSELF
at the Suit of
RUDD.

MICHAELMAS TERM, 1786.

Paid entering Appearance — — — — —	0	3	4
Baid for Office Copy Bill, fol. 98 — — — —	4	9	10
Making Copy thereof for you — — — —	0	16	4
Attending you therewith, and conferring and adviſing thereon —	0	6	8

	£.	s.	d.
Inſtructions to Counſel to move for a Month's Time to anſwer —	0	2	6
Fee to Mr. Simeon, to move — — — —	0	10	6
Paid for Order, Entry, Copy, and Service — — —	0	9	0
Term Fee, Solicitor — — — — —	0	6	8
Letters and Meſſengers — — — — —	0	2	0

MICHAELMAS VACATION, 1786-7.

Drawing Petition to the Maſter of the Rolls for three Weeks further Time to anſwer, engroſſing, and Duty — — —	0	4	7
Paid anſwering — — — — — — —	0	5	6
Paid for Order, Entry, Copy, and Service — — —	0	9	0
January 10th. Attending you the greateſt Part of this Day, taking Inſtructions for Anſwer — — — — —	0	13	4
——— 11th. The like Attendance on you this Day — —	0	13	4
Drawing Anſwer, fol. 102 — — — — —	2	11	0
Making fair Copy thereof, for Counſel to ſettle and ſign ſame —	0	17	0
Fee to Mr. Simeon, and Clerk, therewith — — —	4	6	6
Attending him — — — — — — —	0	6	8
Letters and Meſſengers — — — — —	0	2	0

HILARY TERM, 1787.

January 29th. Attending you the whole of this Morning, reading over and ſettling the Draught of the Anſwer — — —	0	13	4
Engroſſing ſame — — — — — —	1	14	0
Paid for Parchment and Duty, two Skins — — —	0	10	0
Attending you, reading over the Engroſſment — — —	0	6	8

Attending

	£.	s.	d.
Attending you to the Public Office, to procure you ſworn to the Anſwer	0	6	8
Paid Oath — — — — — —	0	1	0
Term Fee, Clerk, and Solicitor — — — —	0	10	0

EASTER TERM, 1787.

Paid for Office Copy Replication — — — —	0	3	3
Abbreviating Bill and Anſwer, fol. 98, 102 = 200 — —	1	13	4
Making two Copies thereof for Counſel, ſixteen ſheets each — —	4	0	0
Taking Inſtructions for Interrogatories for the Examination of Witneſſes	0	6	8
Drawing ſame, fol. 12 — — — — —	0	6	8
Fair Copy thereof, for Counſel to ſettle and ſign — — —	0	2	0
Fee to Mr. Simeon, and Clerk, therewith, and with a Brief of the Pleadings, to adviſe on Evidence, &c. — — — —	3	5	6
Attending him — — — — — —	0	6	8
Engroſſing the Interrogatories — — — —	0	4	0
Paid for Parchment and Duty — — — —	0	4	0
Attending the Examiner therewith — — — —	0	6	8
May 24th. Attending you, adviſing on the neceſſary Evidence to be given in the Cauſe, and within what Time the Witneſſes ſhould be examined — — — — — —	0	6	8
Making a Copy of the Interrogatories for you — — —	0	2	0
—— 26th. Attending Mr. James, examining him, and taking Minutes of his Evidence; and afterwards attending with him to the Examiner, inſtructing him, &c. — — — — —	0	6	8
The like Attendance on Mr. Simpſon — — — —	0	6	8
—— 27th. Attending Mr. Ryley with you ſeveral Hours this Day, examining him, and taking Minutes of his Evidence, and afterwards with him to the Examiner — — — — —	0	13	4

May 28th.

	£.	s.	d.
May 28th. The like Attendance on Mr. Smith, Mr. Wilbraham, and Mr. Jones — — — — — —	0	6	8
—— 29th. The like Attendance on Mr. Ryley, Junior — —	0	6	8
Attending you this Day, peruſing a very large Bundle of Letters and Papers, to ſee what further Evidence they afforded, and conferring and adviſing with you thereon ſeveral Hours — — —	0	13	4
Inſtructions for Counſel to move to enlarge Publication for a Week, not hindering the Plaintiff from ſetting down the Cauſe for Hearing —	0	2	6
Fee to Mr. Simeon, to move — — — —	0	10	6
Paid for Order, Entry, Copy, and Service — — —	0	9	0
June 3d. Attending Mr. Stephens, examining him, and taking Minutes; and attending with him afterwards to the Examiner's, to procure him examined — — — — — —	0	6	8
Attending you on your having been ſerved with the Subpœna to hear Judgment, and conferring and adviſing with you thereon, and on the Propriety of entering into further Evidence — — —	0	6	8
Paid the Examiner's Bill — — — — —	6	11	7
Paid for Office Copy of the Plaintiff's Depoſitions — —	5	4	9
Abbreviating the ſame, fol. 160 — — — —	1	6	8
Making two fair Copies thereof, to add to the Briefs of the Pleadings for Counſel, twelve Sheets each — — — —	3	0	0
Term Fee, Clerk, and Solicitor — — — —	0	10	0
Letters and Meſſengers — — — — —	0	3	0

TRINITY TERM, 1787.

Fee to Mr. Solicitor General, and Clerk, with Brief — —	10	12	6
Attending him — — — — — —	0	6	8
Fee to Mr. Simeon, and Clerk, with Brief, — — —	5	7	6
Attending him — — — — — —	0	6	8

	£.	s.	d.
Attending the Counſel ſeverally, to get a Conſultation fixed —	0	6	8
Attending the Conſultation at Mr. Solicitor General's Chambers —	0	13	4
Conſultation Fee to Mr. Solicitor General — — —	2	2	0
His Clerk, and Servant — — — — —	0	7	6
Conſultation Fee to Mr. Simeon — — — —	2	2	0
Inſtructions for Counſel to move to be at Liberty to prove ſeveral Letters viva voce, at the Hearing — — — —	0	2	6
Fee to Mr. Simeon, to move — — — —	0	10	6
Paid for Order, Entry, Copy, and Service — — —	0	13	0
Writing to you on the Neceſſity of proving the above Letters, and deſiring a Perſon to be ſent who could prove the Hand-writing —	0	3	6
July 4th, 5th, and 6th. Attending Court; Cauſe in the Paper, but not called on — — — — — —	1	0	0
—— 9th and 10th. Attending Court theſe Days during the Hearing of the Cauſe, Clerk, and Solicitor, when an Iſſue was directed —	1	6	8
Paid Court Fees, and Officers — — — —	0	12	6
Paid Mr. Eddis for his Attendance four Days, to prove the Hand-writing of the Plaintiff to the Letters — — —	1	1	0
Paid for a Copy of the Minutes — — — —	0	3	0
Peruſing the ſame, and attending the Regiſter ſettling them —	0	6	8
Attending you, adviſing on the Decree, and the Iſſue directed —	0	6	8
Term Fee, Clerk, and Solicitor — — — —	0	10	0
Letters and Meſſengers — — — — —	0	3	0

IN

IN THE KING's BENCH.

YOURSELF
at the Suit of
RUDD.

MICHAELMAS TERM, 1787.

Peruſing a Draught of the Iſſue, furniſhed me by the Plaintiff's Attorney, and ſettling the ſame with him	—	—	—	—	0	6 8
Making a Copy thereof for Uſe, fol. 20	—	—	—	—	0	6 8
Paid for Iſſue, Duty, and entering Plea	—	—	—	—	0	8 2
Attending, to ſearch if the Cauſe was ſet down to be tried	—	—	—	—	0	3 4
The Plaintiff having obtained a Rule for a Special Jury, attending the Appointment to name the ſame	—	—	—	—	0	6 8
Paid for a Copy of the Liſt of forty-eight	—	—	—	—	0	2 6
Making a Copy thereof for you	—	—	—	—	0	2 6
Attending you therewith, and again afterwards taking Inſtructions to reduce the forty-eight	—	—	—	—	0	6 8
Attending the Appointment, reducing the Jury	—	—	—	—	0	3 4
Paid for a Liſt of the twenty-four	—	—	—	—	0	2 6
Copy thereof for you	—	—	—	—	0	2 6
Peruſing all the Papers in the Cauſe in Chancery, and a Variety of other Letters and Papers, as Inſtructions to draw Brief	—	—	—	—	0	13 4
Attending you, adviſing thereon, and taking further Inſtructions	—	—	—	—	0	6 8
Attending Mr. *A.* a Witneſs on your Behalf, examining him, and taking Minutes of his Evidence	—	—	—	—	0	6 8

The

	£.	s.	d.
The like Attendance on ten other Witneſſes, which took up a great deal of my Time — — — — — —	3	6	8
Drawing Brief, twenty-eight Sheets — — — —	9	6	8
Attending you, reading over and ſettling the ſame — —	0	13	4
Making three fair Copies thereof, for Counſel — — —	14	0	0
Fee to Mr. Bearcroft therewith, and Clerk — — —	12	14	6
Attending him — — — — — —	0	6	8
Fee to Mr. Piggot, and Clerk, with Brief — — —	10	12	6
Attending him — — — — — —	0	6	8
Fee to Mr. Wood, and Clerk, with Brief — — —	6	8	6
Attending him — — — — — —	0	6	8
Attending the Counſel ſeverally, to get a Conſultation fixed — —	0	6	8
Attending the Conſultation — — — —	0	13	4
Fee to Mr. Bearcroft, on Conſultation — — —	2	2	0
The like to Mr. Piggott — — — — —	2	2	0
The like to Mr. Wood — — — — —	2	2	0
To Mr. Bearcroft's Clerk, and Servant, on Conſultation — —	0	7	6
Five Subpœnas — — — — — —	2	0	0
Twenty Copies, to ſerve — — — — —	1	0	0
Service of the Subpœna on ſeventeen Witneſſes — — —	2	2	6
Conduct Money to the Witneſſes — — — —	0	17	0
Drawing Notice to the Plaintiff to produce ſeveral Books, Papers, &c. on the Trial, two Copies, and Service on the Plaintiff and his Attorney — — — — — — —	0	5	0
Attending you with a Notice given by the Plaintiff for the Production of Books and Papers, &c. on the Trial, looking the ſame out for that Purpoſe — — — — — — —	0	6	8
Making three Copies of the Notices for the Counſel — —	0	6	0

	£.	s.	d.
December 7th, 8th, and 9th. Attending the Court theſe Days, to procure the Cauſe appointed for Trial — — — —	1	0	0
——— 10th. The like Attendance this Day, when the Cauſe was appointed for the 13th — — — — —	0	6	8
——— 13th. Attending the Court, when the Cauſe was tried, and a Verdict given for the Plaintiff — — — —	0	13	4
Paid Court Fees — — — — — —	0	9	0
Paid the Witneſſes for their Expences and Loſs of Time on attending the Trial — — — — — —	4	19	6
Term Fee — — — — — —	0	5	0
Letters and Meſſengers — — — — —	0	2	0

IN CHANCERY.

HILARY TERM, 1788.

The Plaintiff having ſet down the Cauſe to be heard on the Equity reſerved, drawing Brief thereon, ſix Brief Sheets — —	2	0	0
Making two fair Copies thereof for Counſel — — —	1	10	0
Fee to Mr. Solicitor General, and Clerk, with Brief — —	5	7	6
Attending him — — — — — —	0	6	8
Fee to Mr. Simeon, and Clerk, with Brief — — —	3	5	6
Attending him — — — — — —	0	6	8
March 5th. Attending Court; Cauſe in the Paper, but not called on —	0	6	8
——— 6th. The like Attendance: Cauſe heard, Clerk, and Solicitor	0	13	4
Paid for Copy Minutes — — — — —	0	6	0
Peruſing, and attending the Regiſter ſettling the ſame — —	0	6	8
Term Fee, Clerk, and Solicitor — — — —	0	10	0
Letters and Meſſengers — — — — —	0	2	0

EASTER TERM, 1788.

	£.	s.	d.
Paid for a Copy of the Plaintiff's Interrogatories, fol. 10 — —	0	6	8
Making a Copy thereof for you — — — —	0	1	8
Attending a Warrant on the Interrogatories, when the ſame were ſettled	0	6	8
Attending you, taking Inſtructions for your Examination — —	0	6	8
Peruſing a great Number of Papers and Vouchers as further Inſtructions	0	6	8
Drawing the Examination, fol. 64 — — — —	1	12	0
Making fair Copy thereof for your Peruſal — — —	0	10	8
Attending you, reading over and ſettling ſame — — —	0	6	8
Fee to Mr. Simeon to ſettle and ſign ſame, and Clerk — —	1	3	6
Attending him — — — — — —	0	6	8
Engroſſing ſame — — — — — —	1	1	4
Paid for Parchment and Duty — — — —	0	5	6
Attending you, reading over the Examination, and afterwards to the Maſter's Chambers to procure you ſworn thereto — —	0	6	8
Paid Oath — — — — — —	0	1	0
Paid on leaving — — — — — —	0	5	0
May 10th. Paid for a Copy of the Plaintiff's Charge, fol. 26 —	0	13	0
—— 14th. Attending a Warrant thereon, and proceeded — —	0	6	8
—— 19th. Attending another Warrant thereon, when the Charge was allowed — — — — — —	0	6	8
Drawing your Diſcharge, fol. 18 — — — —	0	9	0
Warrant on leaving ſame, Copy, and Service — — —	0	3	0
—— 23d. Warrant to proceed thereon, Copy, and Service —	0	3	0
—— 25th. Attending thereon when the Diſcharge was allowed —	0	6	8

	£.	s.	d.
Paid for a Copy of Draught Report, fol. 56 — — —	1	8	0
Making a Copy thereof for you — — — —	0	9	4
Attending you, reading over the ſame, and adviſing thereon —	0	6	8
Attending a Warrant on the Report, when the ſame was ſettled —	0	6	8
Paid for a Copy of the Plaintiff's Coſts, fol. 55 — — —	1	7	6
Attending two Warrants, taxing the Coſts in the Court of Chancery, Clerk, and Solicitor — — — — —	1	6	8
Attending two Appointments of the Maſter of the Court of King's Bench, on his taxing the Coſts of the Iſſue tried at Law — —	0	13	4
Attending you for the Money reported due to the Plaintiff, and for the Coſts of the Suit; and attending the Plaintiff's Solicitor, ſettling the Buſineſs with him — — — — —	0	6	8
Drawing and Engroſſing a Releaſe from the Plaintiff to you in conſequence — — — — — —	0	12	0
Paid for Stamp — — — — — —	0	7	2
Attending the Execution thereof — — — —	0	6	8
Term Fee, Clerk, and Solicitor — — — —	0	10	0
Letters and Meſſengers — — — — —	0	2	0

COSTS

COSTS on a Motion for a new Trial of the Iſſue directed in the aforegoing Cauſe.

THE PLAINTIFF's COSTS.

HILARY TERM, 1788.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
THE Defendant having given a Notice of Motion that a new Trial might be had at Law, drawing Brief for Counſel to oppoſe ſame, ſix Brief Sheets — —	2 0 0	
Making three fair Copies thereof, for Counſel — —	2 5 0	
Fee to Mr. Erſkine, and Clerk, therewith — —	5 7 6	
Attending him — — — — —	0 6 8	
Fee to Mr. Mingay, and Clerk, with Brief — —	4 6 6	
Attending him — — — — —	0 6 8	0 6 8
Fee to Mr. Mansfield, and Clerk, with Brief — —	5 7 6	
Attending him — — — — —	0 6 8	0 6 8
January 26th. Attending Court, when the Motion was directed to ſtand over till the 1ſt of February —	0 6 8	
February 1ſt. Attending Court, when Mr. Bearcroft and Mr. Piggott were heard in Support of the Motion —	0 6 8	
February 4th. The like Attendance this Day; when Mr. Wood and Mr. Solicitor General were heard in Support of the Motion — — — — —	0 6 8	

	CHARGE £. s. d.	TAX OFF. £. s. d.
February 6th. The like Attendance this Day; when Cauſe was ſhewn againſt the Motion, and the Court refuſed to grant a new Trial, and the Application was diſmiſſed, with Coſts — — — — —	0 6 8	
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 1 0
Drawing Bill of Coſts, and Copy — — —	0 3 0	
Warrant on leaving the ſame, Copy, and Service —	0 3 0	
Warrant to tax, Copy, and Service — — —	0 3 0	
Attending taxing ſame, Clerk, and Solicitor — —	0 13 4	
Paid for Report of Coſts — — — —	1 7 6	
Paid filing ſame, and for Office Copy — —	0 3 4	
Paid for Subpœna, and perſonal Service (conditional) —	0 10 0	
Letters and Meſſengers — — — —	0 1 0	0 1 0

The Defendant's Bill on the above Motion.

HILARY TERM, 1788.

	£. s. d.
Attending you, adviſing on the Propriety of making an Application to the Court for a new Trial, which you directed — —	0 6 8
Drawing Notice of Motion, Copy, and Service — — —	0 3 0
Drawing and engroſſing Affidavit of the Service thereof, Duty, and Oath	0 6 1
Paid filing ſame, and for Office Copy — — — —	0 5 9
Drawing Brief for Counſel, ſeven Sheets — — —	2 6 8
	Making

	£.	s.	d.
Making four fair Copies thereof for Counſel — — —	3	10	0
Making four Copies of the Notice to annex — — —	0	2	0
Fee to Mr. Bearcroft, and Clerk, with Brief — — —	5	7	6
Attending him — — — — — —	0	6	8
The like to Mr. Piggot, Clerk, and Attendance — — —	5	14	2
Fee to Mr. Wood, and Clerk, with Brief — — —	3	5	6
Attending him — — — — — —	0	6	8
Fee to Mr. Solicitor General, and Clerk, with Brief — —	5	7	6
Attending him — — — — — —	0	6	8
Attending the Counſel ſeverally, to get a Conſultation fixed —	0	13	4
Attending the Conſultation — — — — —	0	13	4
Fee to Mr. Solicitor General thereon — — — —	2	2	0
The like to Mr. Bearcroft — — — — —	2	2	0
The like to Mr. Piggott — — — — —	2	2	0
The like to Mr. Wood — — — — —	1	1	0
To Mr. Solicitor General's Clerk and Servant, on Conſultation —	0	7	6
January 26th. Attending Court, when the Motion was directed to ſtand over till the 1ſt of February, in order to give Time for the Judge who tried the Cauſe making his Report thereof — — —	0	6	8
February 1ſt. Attending Court on Motion, when the ſame was part heard — — — — — —	0	6	
February 4th. The like — — — — —	0	6	8
——— 6th. Attending the Court this Day, when the Motion was fully heard, and the Application diſmiſſed with Coſts — —	0	6	8
Attending Taxation of the Defendant's Coſts on the Motion, Clerk, and Solicitor — — — — — —	0	13	4

BILL

BILL OF COSTS

For a Plaintiff reſident out of the Juriſdiction of the Court, where Security is given for the Coſts in Conſequence thereof; Exceptions taken to the Anſwer, &c.

MICHAELMAS TERM, 1786.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
TAKING Inſtructions for Bill — — —	0 6 8	
Drawing ſame, fol. 60 — — —	1 10 0	
Fair Copy thereof for Counſel — — —	0 10 0	
Fee to Mr. Cox, to ſettle and ſign ſame, and Clerk —	2 4 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Engroſſing Bill — — — — —	1 0 0	
Paid for Parchment and Duty — — —	0 5 6	
Paid filing ſame, and for Rule — — —	0 5 4	
Paid for Subpœna — — — —	0 6 0	
Service thereof on two Defendants — — —	0 7 6	
Term Fee, Solicitor — — — —	0 6 8	
Letters and Meſſengers — — — —	0 2 0	

HILARY TERM, 1786.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
The Defendant having obtained an Order that the Plaintiff might give Security for Coſts, on Account of his reſiding out of the Juriſdiction of the Court, attending Mr. *A.* thereon, when he propoſed himſelf and Mr. *B.* to give the Security — — — — —	0 6 8	0 6 8
Drawing Bond, and fair Copy — — —	0 5 0	0 5 0
Engroſſing ſame, and Duty — — —	0 7 4	0 7 4
Attending the Execution thereof, and afterwards on the Six Clerks therewith — — — —	0 6 8	0 6 8
Paid for Office Copy Anſwer, fol. 28 — —	1 5 8	
Making cloſe Copy thereof — — —	0 4 8	0 4 8
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

EASTER TERM, 1786.

Peruſing Bill, and Anſwer, and taking Inſtructions to draw Exceptions to the Anſwer — — —	0 6 8	0 6 8
Drawing ſame, fol. 25 — — — —	0 12 6	0 12 6
Fair Copy thereof, for Mr. Coxe to ſettle and ſign —	0 4 2	0 4 2
Fee to him, and Clerk, therewith — — —	1 3 6	1 3 6
Attending him — — — — —	0 6 8	0 6 8
Engroſſing Exceptions — — — —	0 4 2	0 4 2
The Defendant's Clerk in Court refuſing to receive the Exceptions, being a few Days after the Time, drawing In-		

	CHARGE. £. s. d.	TAX OFF. £. s. d.
ſtructions for Counſel to move for Leave to file the ſame, nunc pro tunc — — — —	0 2 6	0 2 6
Fee to him therewith — — — —	0 10 6	0 10 6
Attending him, and Court, on Motion — —	0 6 8	0 6 8
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 9 0
Term Fee, Clerk, and Solicitor, Defendant having ſubmitted to anſwer — — — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

TRINITY TERM, 1786.

Paid for Office Copy further Anſwer, fol. 16 — —	0 14 8	
Making cloſe Copy thereof — — —	0 2 8	0 2 8
Peruſing and conſidering the ſame, when the Anſwer appeared defective in many particulars — — —	0 6 8	0 6 8
Drawing Inſtructions for Counſel to move to refer the Exceptions to the Maſter — — — —	0 2 6	0 2 6
Fee to him therewith — — — —	0 10 6	0 10 6
Attending him, and Court — — —	0 6 8	0 6 8
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 9 0
Making cloſe Copy of the Bill and Anſwers, for the Maſter, fol. 60, 28, 16 = 104 — — — —	0 17 4	0 17 4
The like of Exceptions, fol. 25 — — —	0 4 2	0 4 2
Warrant to proceed on Exceptions, Copy, and Service —	0 3 0	0 3 0
Another Warrant to proceed thereon, Copy, and Service —	0 3 0	0 3 0
Attending thereon, when it being the Deſire of both Parties to argue the Exceptions by Counſel, the Maſter appointed a Time for that Purpoſe — — — —	0 6 8	0 6 8

Another

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Another Warrant thereon, Copy, and Service — —	0 3 0	0 3 0
Making Copy of the Anſwers, and Exceptions for Counſel, fol. 28, 16, 25=69 — — — —	0 11 6	0 11 6
Fee to Mr. Coxe, to argue the ſame — — —	2 2 0	2 2 0
Attending him — — — — —	0 6 8	0 6 8
Attending Warrant, and proceeded — — —	0 6 8	0 6 8
Another Warrant, Copy, and Service — —	0 3 0	0 3 0
Fee to Mr. Coxe to attend thereon — — —	1 1 0	1 1 0
Attending thereon, when the Maſter went through all the Exceptions, and allowed ſeveral of them — —	0 6 8	0 6 8
Paid for Report, and Clerk — — —	0 17 6	0 17 6
Paid filing ſame, and for Office Copy — —	0 4 10	0 4 10
Paid for a Subpœna for a better Anſwer — —	0 6 0	
Service thereof on the Clerk in Court — —	0 2 6	
The * Defendant having filed Exceptions to the Maſter's Report, paid for an Office Copy thereof — —	0 10 4	0 10 4
Abbreviating Bill and Anſwer for Counſel, on arguing Exceptions, fol. 104 — — — —	0 17 4	
Making two fair Copies thereof for Counſel, eight Sheets each	2 0 0	2 0 0
Fee to Mr. Solicitor General, and Clerk, with Brief —	3 5 6	3 5 6
Attending him — — — — —	0 6 8	0 6 8
Making Copy of the Exceptions for him — —	0 4 2	0 4 2
The like of the Exceptions to the Maſter's Report —	0 1 4	0 1 4
Fee to Mr. Coxe, with Brief — — —	2 2 0	2 2 0
Attending him — — — — —	0 6 8	0 6 8
Making Copy of the Exceptions to the Maſter's Report, for him — — — — —	0 1 4	0 1 4

* The £.5. depoſited with the Regiſter on filing the Exceptions to the Report with him, are all the Coſts allowed on the Argument.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
June 16th. Attending Court; Exceptions in the Paper, but not called on — — — —	0 6 8	0 6 8
—— 23d. The like, when the Matter was heard, and the Exceptions taken to the Maſter's Report over-ruled —	0 6 8	0 6 8
Paid Court Fees — — — —	0 10 6	0 10 6
Paid for Order thereon, Copy, and Service — —	0 11 0	0 11 0
Attending at the Regiſter Office to receive the Depoſit, and giving a Receipt for the ſame — — —	0 6 8	0 6 8
Paid for Office Copy further Anſwer, fol. 18 — —	0 16 6	
Making cloſe Copy thereof — — —	0 3 0	0 3 0
Fee to Mr. Coxe, to peruſe Pleadings, and adviſe thereon -	2 2 0	2 2 0
Replication and Duty — — — —	0 6 4	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

PRACTICAL

PRACTICAL DIRECTIONS,

AND

REMARKS,

Relating to the foregoing Bill of Coſts.

HILARY TERM, 1784.

IF a Plaintiff in his Bill ſtates his Reſidence to be out of the Juriſdiction of the Court, or if this Fact can be made appear by other Proof, he may be compelled to give Security to the Defendant for the Payment of ſuch Coſts as may be awarded in the Cauſe: The Mode of Application is by Motion or Petition to the Court. When the Bill ſtates the Plaintiff to be reſident out of the Juriſdiction, the Court will grant the Order of courſe; but when the Fact cannot be thus collected, a Motion, and an Affidavit in ſupport thereof, muſt be made, ſetting forth that the Plaintiff reſides out of the Juriſdiction of the Court, and mentioning the Place of ſuch Reſidence; whereupon the Court will order the Plaintiff to give the uſual Security for Coſts, and the Defendant will not be obliged to put in his Anſwer until this Order has been complied with *. After the Security is given, the Defendant may ſtill obtain the ſame time for putting in his Anſwer as he was entitled to previous to the Application. The manner of giving the Security is as follows: The

* In the Caſe of Meliorucchy *v.* Meliorucchy, 2 Veſey 24, Lord Chancellor Hardwick determined, that where on the face of the Bill the Plaintiff appears to be beyond Sea, or, at the time of filing the Bill the Defendant knew it, he might apply for Security to anſwer Coſts; but that advantage ſhould be taken of it in the firſt inſtance, before Anſwer, *or time prayed for Anſwer*, otherwiſe it is waived: But if the Defendant was then a ſtranger to it, and it comes to his knowledge at any time in the courſe of the Cauſe, it may be prayed. See the Caſe of Green *v* Charnock, 3 Br. 371. The Application for Security where the Plaintiff in his Bill ſtated himſelf to be reſiding out of the Juriſdiction of the Court was refuſed after Anſwer put in. Craig *v* Bolton, 2 Br. 609.

Plaintiff delivers a Note to the Defendant's Clerk in Court, containing the name and deſcription of the Perſon intended to become Security. This Note is ſent to the Defendant's Solicitor, who will return an Anſwer whether he approves the Security or not; if he does not object thereto, the Bond is conſequently given. If he requires two Perſons to enter into the Bond, the Plaintiff muſt comply with this requiſition. If the Defendant's Solicitor objects to the Perſons offered as Security, the Plaintiffs muſt either find others, or the Perſons already offered muſt juſtify by Affidavit in £.80.

The Bond is given to the two Senior Six Clerks, not towards the Cauſe, and is prepared by the Plaintiff's Solicitor in the following form:

" Know all Men by theſe Preſents, That we *A. B.* of the City of London, " Merchant, and *C. D.* of the ſame place, Merchant, are held and firmly " bound to Samuel Reynoldſon, and William Mitford, Eſquires, in the penal " Sum of £.40. of good and lawful Money of Great Britain, for which Pay- " ment to be well and faithfully made, we bind ourſelves, and each of us, our " and each of our Heirs, Executors, and Adminiſtrators, firmly by theſe " Preſents, ſealed with our Seals, &c."

" Whereas *L. R.* Plaintiff, has lately exhibited his Bill of Complaint in his " Majeſty's High Court of Chancery, againſt *R. S.* Defendant, touching the Mat- " ters therein contained. Now the Condition of this Obligation is ſuch, that if the " above bounden *A. B.* and *C. D.* or either of them, their or either of their " Heirs, Executors, or Adminiſtrators, do and ſhall well and truly pay, or cauſe to " be paid, all ſuch Coſts as the ſaid Court ſhall think fit to award to the Defendant " on the Hearing of the ſaid Cauſe or otherwiſe, then this Obligation to be void, " or elſe to remain in full force and virtue.

" Sealed and delivered, &c."

If there are ſeveral Defendants, and one only obtains the Order, yet the Security muſt be given to anſwer the Coſts of all.

EASTER TERM, 1786.

THE Manner of taking Exceptions to an inſufficient Anſwer is, to ſtate ſuch Part of the Bill, in the Language thereof, as is not anſwered; having prefixed the Title of the Cauſe, as follows:

" In Chancery.

" Between *A. B.* — — — — — — — PLAINTIFF;

" *and*

" *C. D.* and others — — — — — DEFENDANTS.

" Exceptions taken by the ſaid Complainant to the Anſwer put in by the ſaid " Defendant *C. D.* to the ſaid Complainant's Bill of Complaint.

" Firſt. For that the ſaid Defendant *C. D.* hath not, according to the beſt and " utmoſt of his knowledge, remembrance, information, and belief, anſwered and " ſet forth whether (ſtate the Interrogatories from the Bill.)

" Second. For that the ſaid Defendant hath not in manner aforeſaid anſwered and " ſet forth whether, &c.

" Third. For that the ſaid Defendant, &c.

" In all which particulars the ſaid Anſwer of the ſaid Defendant *C. D.* is (as " the ſaid Complainant is adviſed) imperfect, evaſive, and inſufficient; and " the ſaid Complainant therefore excepts thereto, and prays that the ſaid " Defendant may put in a better Anſwer to his ſaid Bill of Complaint.

" John Simeon."

Each Subject not anſwered is made a ſeparate Exception, and numbered 1ſt, 2d, 3d Exception, &c. As they muſt be ſigned by Counſel, it is better to let the Counſel alſo draw them.

The Exceptions thus drawn and ſigned ſhould be copied on Draught Paper, Draught-way, and left with the Clerk in Court, who delivers them over to the Clerk in Court for the Defendant, having firſt marked thereon the day on which they

they were left. This is called filing Exceptions. The Practice of the Court requires that all Exceptions ſhould be filed within eight days after the Term wherein the Anſwer was filed; and if the Anſwer was put in during the Vacation, they muſt be filed within the firſt eight days of the enſuing Term, or the Clerk in Court may refuſe to receive them without an Order. This Order may be obtained on Motion, or by Petition at the Rolls*; it muſt be applied for within two Terms after the Anſwer is filed, and is then granted of courſe; but after two Terms have expired, it will not be granted as of courſe; and if obtained by Miſrepreſentation, it will be diſcharged with Coſts, on the Application of the Defendant. A Special Application muſt therefore be made to the Court, grounded on an Affidavit, in which the Reaſons for the Omiſſion muſt be ſtated, when the Court, if ſatisfied with the Reaſons offered, will make an Order for filing the Exceptions nunc pro tunc.

The Exceptions having been duly filed, the Defendant muſt ſubmit to put in an Anſwer within eight days, or the Plaintiff may refer the Exceptions to the Maſter.

If the Defendant ſubmits to anſwer, he may obtain two Orders for Time; in a Town Cauſe a month, and a fortnight; in a Country Cauſe ſix and three weeks†. Should the ſecond Anſwer be inſufficient, the Plaintiff may immediately refer the Exceptions to the Maſter. An Order for referring the Exceptions having been obtained, ſhould be ſerved on the Defendant's Clerk in Court, and left with the Maſter, together with a Copy of the Bill, Anſwer, and Exceptions.

No Paper being left with the Maſter, of which the Defendant's Solicitor needs take a Copy, the firſt Warrant iſſued is a Warrant to proceed, and is ſo underwritten. If the Defendant's Solicitor does not attend on either of the three firſt Warrants, the Maſter will proceed on the third ex parte, after due Service of the whole has been proved on Oath before him. Upon Special Occaſions, it will be proper to attend the Maſter by Counſel. When this is neceſſary, give a Copy of the Bill (uſually the Draught, as ſettled by him) to the Counſel, with a Copy of the Anſwer, and Exceptions. The Fee is two Guineas for the firſt, and one Guinea for every

* Vide "Petitions," in the Appendix, N° 12.

† But upon obtaining the *ſecond* Order he muſt enter his Appearance with the Regiſter purſuant to the Order of Court, dated 23d January 1794. See page 128.

ſubſequent

ſubſequent Attendance. The manner of proceeding on Exceptions before the Maſter is as follows: The Plaintiff's Counſel briefly ſtates the Subject, Shape, and Prayer of the Bill, and then reads the firſt Exception; the Defendant's Counſel reads from the Anſwer ſuch part as he inſiſts is an Anſwer thereto, each Counſel arguing the diſputed points which ariſe. The Maſter then determines either to allow or diſallow the whole, or part of ſuch Exception, and in this manner all the Exceptions are gone through. When the Maſter has made his Report, it muſt be filed in the Report Office, and an Office Copy thereof muſt be procured. A Subpœna to the Defendant to put in a better Anſwer muſt be obtained from the Subpœna Office, and ſerved on the Defendant's Clerk in Court, for which the following Præcipe muſt be left at the Office:

" Subpœna, for *C. D.* to put in a better Anſwer, at the Suit of *A. B.*
" returnable immediately.

Williams, Solicitor, 15th May 1786."

Within eight days after Service of this Subpœna, the Defendant, if ſatisfied with the Maſter's Report, muſt put in a further Anſwer, or obtain an Order for Time; but one month only is allowed. If the Defendant conceives the Maſter to be wrong in his Determination, he may file Exceptions to the Report, and get them argued before the Court. The Exceptions muſt be ſigned by Counſel, engroſſed on treble 6*d.* ſtamp parchment, and filed with the Regiſter, with whom £.5. muſt be depoſited. A Petition muſt be then preſented, praying the Chancellor that the Exceptions may be ſet down to be argued. At the time of leaving the Petition with the Lord Chancellor's Secretary, a Copy of the Bill, Anſwer, Maſter's Report, and the Exceptions thereto, ſhould alſo be left. The Petition being anſwered, the Order muſt then be ſerved on the Plaintiff's Clerk in Court, and an Affidavit made of the Service. Each * Party muſt give a Brief to Counſel, and attend the Court while the Exceptions continue in the Paper, until they are heard. † If any of them are allowed, the Defendant muſt draw up the Order, and he is then entitled to receive back his Depoſit; but if the Exceptions are over-ruled, the Plaintiff draws up the Order,

* The Plaintiff's Solicitor ſhould take an Office Copy of the Exceptions, which will be furniſhed him by the Regiſter.

† Parker *v.* Prout, 4 Br. 1.

and receives the Depoſit from the Regiſter, and the Defendant muſt make a better Anſwer. Should he again put in an inſufficient Anſwer, the Exceptions may be immediately referred to the Maſter, who will proceed, and report thereon as before: If the Defendant puts in four inſufficient Anſwers, the Court will, on Application for that purpoſe, order him to be committed to the Fleet.

The Defendant, on ſubmitting to anſwer Exceptions, muſt pay 20*s*. If they are referred to the Maſter, and he reports the Anſwer inſufficient, 40*s*. muſt be paid; on a ſecond Reference, £.3; on a third, £.4; on a fourth, £.5; and the Defendant will then alſo ſtand committed.

A ſufficient Anſwer having been obtained, the Cauſe may be proſecuted to a Hearing, for which Directions have been before given.

When on Exceptions the Defendant ſubmits to put in a further Anſwer, or, on a Reference to the Maſter, the Anſwer is reported inſufficient, and the Plaintiff ſhould find it neceſſary to amend his Bill, leave will be granted for that purpoſe, on Petition or Motion, without Coſts; the Order in that Caſe will be, that the Defendant ſhall anſwer the Amendments and Exceptions at the ſame time; but the Defendant will be entitled to three Orders for time to anſwer the Amendments and Exceptions. If the further Anſwer ſhould be found inſufficient, with reſpect to any of the Amendments in the Bill, new Exceptions muſt be taken thereto; but if the Anſwer ſhould be full, as to the amended part of the Bill, and any of the Exceptions taken to the original Bill ſtill remain unanſwered, the Exceptions originally taken may be referred to the Maſter, immediately after the coming in of the Anſwer.

BILL OF COSTS

FOR

A PLAINTIFF,

On Proceedings againſt a Peer; Plea and Anſwer put in; Argument of the Plea, &c.

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
TAKING Inſtructions for Bill — —	0 6 8	
Drawing ſame, fol. 50 — — —	1 5 0	
Copy thereof, for Counſel to ſettle and ſign — —	0 8 4	
To Mr. Coxe, and Clerk, therewith — —	2 4 6	0 2 6
Attending him — — — — —	0 6 8	0 6 8
Engroſſing Bill — — — — —	0 16 8	
Paid for Parchment and Duty — — —	0 5 6	
Paid filing ſame, and for Rule — — —	0 5 4	
Drawing Petition to the Lord Chancellor for his Letter Miſſive, engroſſing, and Duty — — —	0 5 7	
Paid anſwering ſame, and for Letter Miſſive — —	1 6 7	
Paid for Office Copy Bill, to ſerve on the Defendant with the Letter Miſſive — — — —	2 5 10	
Copy of the Petition to ſerve therewith — —	0 1 0	
Service thereof — — — — —	0 5 0	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Term Fee, Solicitor, the Defendant having appeared —	0 6 8	
Letters and Meſſengers — — — —	0 2 0	

HILARY TERM, 1786.

The Defendant not having put in his Anſwer in Time, drawing Inſtructions for Counſel to move for a Sequeſtration Niſi — — — — —	0 2 6	
Fee to him therewith — — — —	0 10 6	
Attending him, and Court — — — —	0 6 8	0 6 8
Paid for Order, and Entry — — — —	0 6 0	
Copy, and perſonal Service thereof — — —	0 5 0	
Term Fee, Clerk, and Solicitor, the Defendant having obtained an Order for Time — — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

EASTER TERM, 1786.

Paid for Office Copy of the Defendant's Plea, and Anſwer, fol. 36 — — — — —	1 13 0	
Cloſe Copy thereof — — — —	0 6 0	0 6 0
Drawing Petition to ſet down the Plea for Argument, engroſſing, and Duty — — — —	0 5 7	0 5 7
Paid anſwering ſame — — — —	0 10 0	0 10 0
Paid for Order, Entry, Copy, and Service — —	0 9 0	0 9 0
Paid ſetting down Plea — — — —	0 1 0	0 1 0
Drawing and engroſſing Affidavit of the Service of the Order, Duty, and Oath — — — —	0 5 7	0 5 7

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid filing ſame, and for Office Copy — —	0 5 7	0 5 7
Abbreviating Bill, Plea, and Anſwer, fol. 50, 36 = 86 —	0 14 4	
Making a Copy thereof for the Lord Chancellor —	0 14 4	0 14 4
Paid his Secretary therewith — — —	0 5 0	0 5 0
Attending to leave the ſame — — —	0 6 8	0 6 8
Making two fair Copies thereof for Counſel, eight Sheets each — — — — — —	2 0 0	2 0 0
To Mr. Solicitor General, and Clerk therewith, to argue Plea — — — — —	3 5 6	3 5 6
Attending him — — — — —	0 6 8	0 6 8
To Mr. Coxe, and Clerk, with Brief — —	2 4 6	2 4 6
Attending him — — — — —	0 6 8	0 6 8
Attending Court, when the Plea was ordered to ſtand for an Anſwer, with Liberty to except — — —	0 6 8	0 6 8
Paid Court Fees — — — —	0 6 0	0 6 0
Paid for Order — — — — —	0 16 0	0 16 0
Entering ſame — — — — —	0 4 0	0 4 0
Drawing Exceptions, fol. 16 — — —	0 8 0	0 8 0
Fee to Mr. Coxe, to ſettle and ſign ſame — —	1 1 0	
Fair Copy thereof, filed — — — —	0 2 8	0 2 8
Term Fee, Clerk, and Solicitor, the Defendant having obtained an Order for Time to anſwer the Exceptions —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

TRINITY TERM, 1786.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid for Office Copy Anſwer to the Exceptions, fol. 20 —	0 18 4	
Cloſe Copy thereof — — — —	0 3 4	0 3 4
Abbreviating the ſame — — — —	0 3 4	
Making two fair Copies thereof, to add to the former Briefs, two Sheets each — — — —	0 10 0	
Replication, and Duty — — — —	0 6 4	
Inſtructions for Counſel to move for a Subpœna to rejoin, returnable immediately — — — —	0 2 6	
Fee to Mr. Coxe, to move — — —	0 10 6	
Attending him, and Court — — —	0 6 8	0 6 8
Paid for Order, Entry, Copy, and Service — —	0 8 0	
Paid for Subpœna — — — —	0 6 0	
Term Fee, Clerk, and Solicitor — — —	0 10 0	
Letters and Meſſengers — — — —	0 2 0	

PRACTICAL

PRACTICAL DIRECTIONS,

AND

REMARKS,

On the foregoing Bill of Coſts.

MICHAELMAS TERM, 1785.

WHEN a Peer, Peereſs, or a Biſhop, is Defendant, the Lord Chancellor's Letter Miſſive, requiring an Appearance to the Bill, muſt be obtained, and ſerved on ſuch Defendant; and an Office Copy muſt be left with the Letter Miſſive at the time of the Service thereof. The Letter Miſſive is obtained by Petition to the Lord Chancellor (for the Form whereof ſee the Appendix, under Title "Petitions," N° 10 and 11) the Petition being left with the Lord Chancellor's Secretary, he will get it anſwered, and return it with the Letter Miſſive.

The Letter Miſſive, together with a Copy of the Petition, and the Lord Chancellor's Order thereon, on which the Letter is grounded, and an Office Copy of the Bill, ſigned by the Six Clerk, muſt be left with the Defendant perſonally, or at his Place of Reſidence. If the Defendant neglects to enter an Appearance by the time mentioned in the Letter, a * Subpœna muſt be obtained againſt him; and if on being ſerved therewith he does not enter an Appearance thereto, an Affidavit muſt be made of the Service of the Letter Miſſive, and the Copy of the Petition, Bill, and

* This is neceſſary to warrant proceſs of Contempt which iſſues only for the non-obedience of an Order under the Seal of the Court.

Subpœna, on which a Motion muſt be made to the Court, *that a Sequeſtration* * *may iſſue againſt the Defendant's real and perſonal Eſtate.* On this Motion an Order will be made, to this effect; " Unleſs the Defendant, being perſonally ſerved " with the Order, ſhall within eight days ſhew Cauſe to the contrary;" this Order muſt be perſonally ſerved on the Defendant, if practicable; but the Court, on being ſatisfied of the impracticability of ſuch Service, by an Affidavit of the circumſtances, on Motion, will make an Order, that Service of the Order Niſi, by leaving it at the Reſidence of the Defendant, ſhall be good Service. If the Defendant does not enter his Appearance within eight days after Service of the Order Niſi, on Certificate of his Default from the Six Clerk, and on an Affidavit of the Service of the Order Niſi, the Court, on Motion, will make the Order abſolute for a Sequeſtration; the Clerk in Court, on the Order being left with him, and he being furniſhed with Commiſſioners Names, will make out the Writ of Sequeſtration. The Commiſſioners named in the Writ may then ſequeſter the real and perſonal Eſtate † of the Defendant, and this Sequeſtration will not be diſcharged until the Defendant has cleared his Contempt, by entering an Appearance, and paying all coſts occaſioned by his contumacious conduct. When the Defendant has appeared, he is not obliged to take another Office Copy of the Bill, but may file his Anſwer from the Office Copy ſerved on him. If the Defendant fails to put in his Anſwer in time, an Order Niſi for a Sequeſtration may be obtained, which, being ſerved as before directed, may be made abſolute, on a Certificate from the Six Clerk that the Anſwer is not filed, and an Affidavit made of the Service of the Order Niſi, together with a Certificate from the entering Regiſter, of no Cauſe § having been ſhewn againſt the Order.

* Where the Perſon of a Party is protected, and an Attachment, or other Proceſs of Contempt for the Caption of the Perſon, cannot be executed, the only Proceſs is a Sequeſtration, being the laſt Proceſs againſt an unprivileged Perſon.

† If the Defendant ſtill continues in Contempt, the Commiſſioners muſt apply to the Court for leave to pay into the Bank to the Credit of the Cauſe, all the Money which ſhall have come to their Hands by virtue of the Writ, and ſo from time to time as they ſhall poſſeſs ſufficient money for that purpoſe.

§ The Cauſe here alluded to is an Order for time to anſwer.

EASTER TERM, 1786.

EITHER Party may § ſet down a Plea or Demurrer to be argued in Court; but it is incumbent on the Defendant to loſe no time in ſetting down his Plea, the Petition for that purpoſe (for the form of which ſee in the Appendix, under title "Petitions," N° 47.) muſt be left with the Lord Chancellor's Secretary, who will get it anſwered; it muſt then be left with the Regiſter (Mr. Dickins) who will draw up the Order, and enter the Plea or Demurrer in the Book of Cauſes to be argued; the Order being paſſed and entered, muſt be ſerved on the Clerk in Court for the adverſe Party, and the Solicitor ſhould be prepared with an Affidavit of ſuch Service to read in Court on the Argument, in caſe the adverſe Party ſhould not then appear. A Copy of the Bill, and of the Plea or Demurrer ſhould be left with the Lord Chancellor's Gentleman at leaſt two days before the day of argument thereof. Briefs ſhould be given to Counſel, and the Court attended while the Cauſe is in the Paper, on the days † ſet apart for the Argument of Pleas and Demurrers, until the Cauſe is called on and heard. If the Plea or Demurrer is allowed, the Plaintiff pays to the Defendant £.5. the uſual Coſts thereon, and ſuch further Coſts as the Court ſhall *award; if over-ruled, the Plaintiff is entitled to the ſame Coſts, which may in either Caſe be recovered by a Subpœna in the uſual way.

Sometimes a Plea is ordered to ſtand for an Anſwer, and the Plaintiff is ſometimes permitted to take Exceptions thereto; when the latter is the Caſe, he may prepare and file his Exceptions in the manner hereinbefore inſtructed; and when a full Anſwer is obtained a Replication may be filed, and the Cauſe conducted to a Hearing. The Plaintiff may file a Replication to a Plea, and by that means compel the Defendant to prove the truth of it: but by doing ſo the Plaintiff admits the

§ A Plea muſt be ſet down within eight Days, or it will be preſumed that it is abandoned. Jordan *v* Sawkins, 3 Br. 372.

† Every Wedneſday in Term: at the Seals after Term particular days are appointed, which are known by the Seal Paper.

* By Order of Court dated 6th February 1794, the like practice by the ſame Order on Argument of a Demurrer, or Re-argument of a Plea or Demurrer.

Plea, if true in fact, to be good in point of Law; and the truth of the Plea is then the only Iſſue between the Parties; for the ſame reaſon the Plaintiff may, even after Argument of the Plea, and Allowance thereof by the Court, by filing a Replication to the Plea, put the Defendant to prove the truth thereof. On arguing a Plea, the Plaintiff may take advantage of any defect therein in point of form, ſubſtance, or otherwiſe; but if he replies to the Plea, without having it argued, the Court, on the Hearing of the Cauſe, will admit the Plea to be good, (however irregular, and whatever advantage might have been taken had it been argued) in caſe the Defendant proves it to be true. The ſubſtance and form of pleading being very intricate, the Solicitor will, for the intereſt of his Client, leave it to his Counſel, whoſe particular province it is to adviſe on and conſtruct ſuch a Defence as the Caſe beſt enables him to make.

BILL OF COSTS

ON THE RE-HEARING OF A CAUSE.

Mr. CHARLES SMITH, to *A. B.* Debtor.

IN CHANCERY.

SMITH
againſt
RICHARDS.

HILARY TERM, 1788.

	£.	s.	d.
PERUSING the Decree made in the Cauſe, and adviſing with you on the Propriety of a Re-hearing, which was determined on —	0	6	8
Drawing Petition for that Purpoſe, fol. 60 — — —	1	18	0
Fair Copy thereof, for Mr. Stanley to peruſe, ſettle, and ſign —	0	10	0
Fee to him, and Clerk, therewith — — — —	2	4	6
Attending him — — — — — —	0	6	8
Fee to Mr. Mansfield and Clerk, to peruſe, ſettle and ſign the Petition	2	4	6
Attending him — — — — — —	0	6	8
Engroſſing the Petition, Paper, and Duty, to preſent — —	0	13	7
Copy thereof for the Lord Chancellor, to accompany the ſame —	0	10	0

	£.	s.	d.
Making Copy of the Decree for him, Eighty-two Sides — —	1	7	4
Paid anſwering the Petition — — — — —	1	5	0
Paid for Order, Entry, Copy, and Service — — —	0	9	0
Paid Clerk in Court, ſigning Conſent to pay ſuch Coſts as ſhould be awarded by the Court — — — — —	0	3	4
Paid ſetting down the Cauſe to be re-heard — — —	0	1	0
Paid * the Depoſit to the Regiſter thereon — — —	10	0	0
Attending for that Purpoſe — — — — —	0	6	8
Paid for the Receipt — — — — —	0	1	0
Drawing and engroſſing Affidavit of the Service of the Order, Duty, and Oath — — — — — —	0	6	7
Paid filing the ſame, and for Office Copy — — —	0	5	3
Making Two Copies of the Petition as Brief for Counſel, Six Sheets each — — — — — —	1	10	0
Fee to Mr. Mansfield, with Brief of Petition, and with his former Brief in the Cauſe, and Clerk — — — — —	5	7	6
Attending him — — — — — —	0	6	8
Fee to Mr. Stanley, and Clerk, with Brief — — —	3	5	6
Attending him — — — — — —	0	6	8
February 3d. Attending Court, Cauſe in the Paper, but not called on — — — — — — —	0	6	8
——— 10th. Attending Court, when the Cauſe was heard, and the Decree directed to be varied, Clerk, and Solicitor — —	0	13	4
Paid Court Fees — — — — — —	0	12	6
Paid for Copy Minutes — — — — —	0	5	0
Peruſing the ſame, and attending the Regiſter ſettling them — —	0	6	8
Paid for Order — — — — — —	4	18	6

* If the Depoſit is ordered to be returned, this Charge of courſe will not ſtand.

Peruſing

	£.	s.	d.
Peruſing the ſame, and attending examining and paſſing — —	0	6	8
Paid entering the ſame — — — — —	0	19	0
Attending the Regiſter for the Return of the Depoſit, giving him a Receipt on taking the ſame back — — — —	0	6	8
Paid Poundage — — — — — —	0	10	0
Term Fee, Clerk, and Solicitor — — — —	0	10	0
Letters and Meſſengers — — — — —	0	2	0

COSTS

COSTS on the Iſſuing a Commiſſion of Lunacy, and on the Proceedings thereunder.

THE COMMITTEE's BILL OF COSTS,

In the Matter of JOHN STEPHENS, a Lunatic.

HILARY VACATION, 1790.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
ATTENDING meeting, with Mr. Wm. Stephens, and Mr. Hurd, at Iſlington, conferring on the Situation of Mr. John Stephens, and taking Inſtructions for Commiſſion of Lunacy — — — —	0 13 4	
March 1ſt. Attending Dr. Munro in Bedford Square, taking Inſtructions for his Affidavit — — —	0 6 8	
Drawing ſame, fol. 8 — — — —	0 4 0	
Making fair Copy thereof for him — — —	0 1 4	
Attending him in Bedford Square, reading over and ſettling the ſame with him, upwards of two hours — —	0 6 8	
Engroſſing ſame, and Duty — — —	0 2 11	
Attending him reading over the Engroſſment, and to the Public Office to get him ſworn thereto — —	0 6 8	
Paid Oath — — — — —	0 1 6	
Paid filing ſame — — — — —	0 6 2	

Attending

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Attending Mr. Wm. Stephens at Iſlington, taking Inſtructions for his Affidavit — — — —	0 6 8	
Drawing ſame, fol. 12 — — — —	0 6 0	
Making fair Copy thereof for him — — —	0 2 0	
Attending him at Iſlington, reading over and ſettling ſame —	0 6 8	
Engroſſing ſame, and Duty — — —	0 3 7	
Attending him reading over the ſame, and afterwards at the Public Office to get him ſworn thereto — —	0 6 8	
Paid Oath — — — — —	0 1 6	
Paid filing — — — — —	0 10 9	
Drawing Petition for a Commiſſion of Lunacy — —	0 6 8	
Engroſſing it and Duty — — — —	0 4 1	
Paid anſwering the Petition — — —	0 15 0	
Attending the Lord Chancellor's Secretary thereon —	0 6 8	
Paid filing the Order — — — —	0 6 6	
Paid for Commiſſion — — — —	3 16 8	
Solicitor's Fee on ſuing out the ſame — — —	2 2 0	
Attending the Commiſſioners ſeverally to get them to appoint a time for executing the Commiſſion — —	1 0 0	0 13 4
Attending Dr. Munro to know if the time would ſuit him, when owing to a particular engagement, he could not attend, but requeſted that the Meeting might be on the 20th. and attending the Commiſſioners ſeverally afterwards thereon when that time was appointed — —	0 13 0	
Drawing and engroſſing Precept to the Sheriff to ſummon the Jury — — — — —	0 5 0	
Drawing and engroſſing Warrant to produce the Lunatic —	0 5 0	
Drawing and engroſſing five Subpœnas for Witneſſes —	0 15 0	
Paid the Commiſſioners their Fees on ſigning the ſame —	3 3 0	

Attending

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Attending them ſeverally, and Solicitor's Fee thereon —	1 0 0	
Making a Copy of the Precept to keep — — —	0 1 0	
Attending the Sheriff to fix with him about executing the Commiſſion, and to deliver him the Preceept —	0 6 8	
Service of Subpœna on Dr. Munro in Bedford Square, and Copy to keep — — — — —	0 5 0	
The like on Mr. Wilſon, Mr. Hurd, and Mr. Allen at Iſlington — — — — — —	0 18 0	
The like on Mr. Wood — — — — —	0 5 0	
Attending at the Bank and South Sea Houſe, ſearching the Books there for Property of the Lunatic, and taking Minutes thereof — — — — —	0 13 4	
Peruſing Deeds and Writings, and drawing out an Account of the Lunatic's Eſtate to prove the ſame on the Execution of the Commiſſion — — — — —	0 13 4	
Attending Mr. Wilſon ſeveral times thereon — —	0 6 8	
Attending the ſeveral Witneſſes, examining them, and taking an Account of their Evidence — — — —	0 13 4	
Drawing Account of Arrears of Rent, and fair Copy —	0 7 6	
Drawing the Inquiſition, very long and ſpecial — —	1 13 4	
Fair Copy — — — — — —	0 12 6	
Attending Mr. one of the Commiſſioners, ſettling the ſame — — — — — —	0 6 8	0 6 8
Fair Copy to exhibit to the Jury — — — —	0 12 6	
Attending the Execution of the Commiſſion — —	3 3 0	
Paid the Commiſſioners each three Guineas — —	9 9 0	
Paid Coach-hire for Commiſſioners and Witneſſes, &c. —	1 8 0	
Paid the Sheriff — — — — — —	3 3 0	
Paid the Jury — — — — — —	14 14 0	
Paid the ſummoning Officer — — — —	2 2 0	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid the Cryer — — — — —	0 5 0	
Paid the Bill of Expences of Commiſſioners, Sheriffs, Jury, &c. — — — — —	10 6 0	
Paid Dr. Munro for his ſeveral Attendances in the Buſineſs –	5 5 0	
Engroſſing the Inquiſition — — —	0 15 0	
Paid for Parchment, and Duty — — —	0 6 0	
Paid the Commiſſioners examining and ſigning the ſame —	3 3 0	
Solicitors Fee thereon — — — —	1 1 0	
Paid filing the Commiſſion Inquiſition, and for Office Copy –	2 4 10	
Attending for that Purpoſe — — —	0 6 8	
Entering a Caveat againſt any Perſon taking the Grant —	0 5 0	
Attending — — — — —	0 6 8	
Drawing Affidavit, ſtating the Lunatic's Relations —	0 5 0	0 3 6
Engroſſing it, and Duty — — — —	0 4 7	
Paid Oath — — — — —	0 1 6	
Paid filing — — — — —	0 4 8	
Attending taking Inſtructions to apply to the Lord Chancellor to appoint a Committee of the Perſon and Eſtate —	0 6 8	0 6 8
Drawing Petition — — — —	0 6 8	0 1 8
Engroſſing it, and Duty — — — —	0 4 7	
Paid anſwering — — — — —	1 7 6	
Attending the Lord Chancellor's Secretary thereon —	0 6 8	
Paid filing the Order — — — —	0 6 6	
Attending Mr. Wilſon at Iſlington, taking Inſtructions for his Affidavit of the Lunatic's Eſtate and Effects —	0 6 8	
Drawing the ſame — — — —	0 6 8	
Attending him ſettling — — — —	0 6 8	0 6 8

	CHARGE. £. s. d.	TAX. OFF. £. s. d.
Engroſſing, Duty, and Oath — — —	0 6 1	
Attending him reading over the ſame, and afterwards to the Public Office to get him ſworn thereto — —	0 6 8	
Paid filing his Affidavit — — — —	0 10 6	
Attending the Clerk of the Cuſtodies with the Order, and Papers to get the Sum fixed, for which Security was to be given — — — — —	0 6 8	
Attending the Attorney General thereon ſeveral times —	0 6 8	
Copy of the Affidavit for him — — —	0 2 6	
The Attorney General entertaining ſome Doubts reſpecting the Property and the Amount of the Security to be required, attending him at his Requeſt ſeveral times, when at length he ſettled the Sum for which Security ſhould be given — — — — —	0 13 4	
Attending Mr. Wilſon at Iſlington, adviſing on the Buſineſs, and taking Inſtructions for Sureties — —	0 13 4	
Attending the Clerk of the Cuſtodies with the Names of the Sureties, and to get him to prepare Bond and Affidavit	0 6 8	
Attending the Execution of the Bond by the Committee at Iſlington — — — — —	0 13 4	
The like Attendance on the Sureties — — —	0 6 8	
Attending the Sureties to read over the Affidavit of Juſtification to them, and attending them to be ſworn —	0 6 8	
Paid Oaths — — — — —	0 3 0	
Drawing and engroſſing Affidavit of the due Execution of Bond, and Paid Duty — — — —	0 6 1	
Paid Oath and Exhibit — — — —	0 4 0	
Making two atteſted Copies of the Bond for the Sureties —	0 10 0	
Drawing Bond of Indemnity from the Committee for them, fol. 18 — — — — —	0 18 0	

Fair

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Fair Copy — — — — —	0 6 0	
Engroſſing ſame, and Duty — — —	0 15 4	
Attending the Execution at Iſlington — — —	0 6 8	
Attending the Clerk of the Cuſtodies with the Bond and Affidavits, and to beſpeak the Grant — —	0 6 8	
Paid in part for the Grant — — — —	12 12 0	
Solicitor's Fee on the Grant of Perſon and Perſon —	2 2 0	
Paid the remainder of the Fees enrolling, &c. — —	10 13 2	
Solicitor's Fee for getting the Grant enrolled — —	1 1 0	1 1 0
Attending Mr. Wilſon with the ſame, and to take his further Inſtructions — — — — —	0 6 8	
Drawing Power of Attorney to Receive Rents, &c. —	0 6 8	
Engroſſing the ſame — — — —	0 2 6	
Paid Duty — — — — —	0 6 1	
Attending the Execution — — — —	0 6 8	
Attending at the Bank with the Grant to procure the ſame regiſtered there and paid — — —	0 11 8	
The like Attendance at the South Sea Houſe and paid —	0 11 8	
Attending the ſeveral Tenants to the Lunatic in various parts of the Town for an Account of the Arrears of Rent due, and to ſatisfy them that their Rents muſt in future be paid to the Committee — — — —	1 1 0	
Letters and Porters — — — —	0 10 0	0 5 0

TRINITY VACATION, 1790.

Taking Inſtructions for Petition for Maintenance —	0 6 8	
Drawing ſame — — — — —	0 6 8	

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Engroſſing ſame, and Duty — — —	0 5 1	
Paid anſwering — — — — —	0 15 0	
Attending thereon — — — —	0 6 8	
Making a Copy of the Order for the Maſter — —	0 2 6	
Attending the Committee taking Inſtructions for Propoſal for Maintenance — — — — —	0 6 8	
Drawing Propoſal to lay before the Maſter, fol. 21 and Copy	0 10 6	
Warrant on leaving the ſame, Copy, and Service —	0 4 6	
Warrant to proceed thereon, Copy, and Service —	0 4 6	
July 6th. Attending thereon, when the Maſter directed a ſcheme to be laid before him for the Maintenance of the Lunatic in future, and an Affidavit of the Expences which had been incurred hitherto — — —	0 6 8	
Attending at Iſlington taking Inſtructions for Affidavit —	0 6 8	
Drawing the ſame, fol. 9 — — — —	0 4 6	
Engroſſing it — — — — —	0 1 6	
Paid Duty and Oath — — — —	0 3 7	
Attending Mr. Wilſon ſettling it, and afterwards reading it over and with him to be ſworn — — —	0 6 8	
Warrant on leaving ſame, Copy, and Service — —	0 4 6	
Warrant to proceed on the Propoſal, Copy, and Service —	0 4 6	
Attending thereon, Propoſal allowed — — —	0 6 8	
Warrant on the Report being prepared, Copy, and Service	0 4 6	
Paid for a Copy of the Draught, fol. 30 — —	0 15 0	
Warrant to ſettle the ſame, Copy, and Service — —	0 4 6	
Attending thereon — — — —	0 6 8	
Warrant to ſign the ſame, Copy, and Service — —	0 4 6	
Paid tranſcribing the Report — — —	0 5 0	

Paid

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid for the Report — — — —	1 5 0	
Gave the Maſter's Clerk — — — —	0 10 6	
Paid filing the Report and Order — — —	1 10 0	
Drawing Petition to confirm the Maſter's Report —	0 15 0	
Engroſſing and Duty — — — —	0 7 1	
Copy for the Lord Chancellor — — —	0 5 0	
Paid anſwering — — — — —	0 16 0	
Attending the Lord Chancellor's Secretary thereon —	0 6 8	
Brief for Counſel to confirm the Report — —	0 6 8	
Paid Mr. Lloyd and Clerk — — — —	1 3 6	
Attending him — — — — —	0 6 8	
Attending Court 26th, 27th, and 28th of July, the Petition in the Paper — — — — —	1 0 0	
Paid Court Fees — — — —	0 12 6	
Paid for the Order — — — —	1 9 0	
Paid filing — — — — —	0 16 0	
Attending the Lord Chancellor's Secretary thereon —	0 6 8	

MICHAELMAS TERM.

Drawing Petition for an Order to tax the Committee's Coſts	0 6 8	
Engroſſing it, and Duty — — — —	0 4 7	
Paid anſwering — — — — —	0 15 0	
Attending the Lord Chancellor's Secretary thereon —	0 6 8	
Copy for the Maſter — — — —	0 2 6	
Copy and Service thereof — — — —	0 5 0	
Paid filing — — — — —	0 10 6	
Letters and Porters — — — —	0 3 0	

HILARY TERM.

	CHARGE. £. s. d.	TAX OFF £. s. d.
Drawing Bill of Coſts and fair Copy, fol. 46 — —	1 3 0	
Warrant on leaving, Copy, and Service — —	0 4 6	
Warrant to tax the ſame, Copies, and Service — —	0 4 6	
Attending taxing — — — —	0 6 8	
Paid for Report — — — — —	1 5 0	
Tranſcribing — — — — —	0 1 0	
Filing ſame — — — — —	0 7 6	
Letters and Porters — — — —	0 2 0	

COSTS of the next of Kin, (and which are generally included in the Committee's Coſts on Taxation.)

TRINITY VACATION 1790.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
PAID for Copy Propoſal, fol. 21 — —	0 10 6	
July 6th. Attending a Warrant thereon, and proceeded	0 6 8	
Paid for Copy Affidavit of Mr. Wilſon, fol. 9 — —	0 4 6	
Attending another Warrant on the Propoſal, when the ſame was allowed — — — — —	0 6 8	
Paid for Copy Draught Report, fol. 30 — —	0 15 0	
Attending Warrant to ſettle the ſame — —	0 6 8	
Making Brief Petition to confirm Report for Counſel —	0 6 8	
Paid Mr. Nedham therewith — — —	1 1 0	
Attending him — — — —	0 6 8	0 6 8

HILARY TERM.

Paid for Copy Bill of Coſts, fol. 46 — — —	1 3 0	
Attending taxing ſame on Behalf of next of Kin —	0 6 8	

COSTS

In the Matter of JOHN STEVENS, a Lunatic.

COSTS of the Committee on paſſing his Account, and other Coſts incurred in this Matter, from the Foot of the laſt Taxation, taxed purſuant to an Order dated 6th June, 1791.

	CHARGE. £. s. d.	TAX OFF. £. s. d.
DRAWING Petition, engroſſing ſame, and Duty —	0 6 8	
Attending to leave ſame with the Secretary of Lunatics and ſeveral times afterwards to get the ſame away anſwered	0 6 8	
Paid anſwering the ſame — — — —	0 15 0	
Paid filing ſame and for Office Copy — — —	0 7 6	
Attending thereon — — — —	0 6 8	0 6 8
Making a Copy of the Petition and Order for the Maſter —	0 2 6	
Drawing the Account from Lady-Day, 1790, to Lady-Day, 1791, fol. 40 — — — —	1 0 0	
A great many Attendances on the Committee on the Account, and the arrangement thereof (being the 1ſt Account) —	0 13 4	0 6 8
Warrant on leaving the Account, Copies and Service —	0 4 6	
Warrant to proceed thereon, Copies, and Service —	0 4 6	
Attending thereon — — — — —	0 6 8	
Two more Warrants to proceed thereon, Copies, and Service	0 9 0	
Attending thereon — — — —	0 13 4	
Paid entering the Account in the Book to be ſworn to, fol. 40 and Stationer — — — —	0 10 0	
Paid for a Book for that Purpoſe — — —	0 5 0	
Paid the Maſter's Clerk drawing and engroſſing Affidavit to verify the Account, Duty, and Oath — —	0 6 8	

Paid

	CHARGE. £. s. d.	TAX OFF. £. s. d.
Paid for Copy Affidavit, fol. 5 — — —	0 2 6	
Paid for Copy Draught Report, fol. 15 — —	0 7 6	
Warrant on preparing ſame, Copy, and Service —	0 4 6	
Cloſe Copy of the Report for the Committee — —	0 2 6	
Paid for two Warrants to ſettle and ſign Report, Copies, and Service — — — — —	0 9 0	
Attending thereon — — — —	0 6 8	
Drawing this Bill of Coſts and Copy, fol. 12 — —	0 6 0	
Warrant on leaving the ſame, Copies, and Service —	0 4 6	
Warrant to tax, Copies, and Service — —	0 4 6	
Attending thereon — — — —	0 6 8	
Paid for a Duplicate of the Account to annex to report, fol. 40 — — — — —	1 0 0	
Paid for Maſter's Allowance — — —	0 5 0	
Report and tranſcribing, and Maſter's Clerk — —	2 8 6	
Paid filing Report — — — —	1 5 0	
Attending to file Report, Order, &c. — —	0 6 8	
Letters and Meſſengers — — — —	0 2 0	

PRACTICAL DIRECTIONS,

AND

REMARKS,

For the Solicitor in iſſuing a Commiſſion of Lunacy, and the Proceedings thereon.

THE Care of Ideots and Lunatics belongs to the King by virtue of his Prerogative, which Care his Majeſty, by his ſign manual, grants to the Lord Chancellor, Lord Keeper, or Lords Commiſſioners for the Cuſtody of the Great Seal, at the time of their Appointment, and their Authority is conſidered as diſtinct from the ordinary Juriſdiction of the Court of Chancery. No Appeal from a Deciſion in Lunacy, by virtue of this extraordinary Juriſdiction, will lie to the Houſe of Lords, but only to the King in Council. 3 Peere Will. 107.

The Grant of the Cuſtody, or Commitment of the Eſtates or Perſons of Lunatics, or Ideots, muſt be grounded on an Inquiſition, returned and filed in the Petty Bag Office, finding the Lunacy, &c.

The Inquiſition is taken by virtue of a Commiſſion iſſued by the Lord Chancellor, Lord Keeper, or Lords Commiſſioners for the Cuſtody of the Great Seal, which Commiſſion is obtained on Petition in the following form:

In the Matter of John Stephens, a ſuppoſed Lunatic.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of William Stephens the Brother of John Stephens, a ſuppoſed Lunatic,

Sheweth,

THAT John Stephens, of Hampſtead, in the County of Middleſex, Eſquire, your Petitioner's Brother, now is, and hath for theſe three years laſt paſt, been

been ſo far deprived of his Reaſon and Underſtanding that he is rendered altogether unfit and unable to govern himſelf or to manage his Affairs, as by the Affidavits hereunto annexed appears.

Your Petitioner therefore moſt humbly prays that your Lordſhip will be pleaſed to order that a Commiſſion in nature of a Writ de Lunatico Inquirendo may iſſue to inquire of the Lunacy of the ſaid John Stephens, directed to ſuch Perſons as your Lordſhip ſhalll think fit.

And your Petitioner ſhall ever pray, &c.

The Affidavit in Support of this Petition muſt ſtate the Situation of the ſuppoſed Lunatic, how long he has continued to be deranged, and muſt particularize ſome inſtances of Wildneſs or Incoherency in his Actions or Declarations, to ſhew the ſtate of his Mind; the Affidavit of a medical perſon who has attended him, and the keeper, (if any) who has had the care of him, are very proper.

There ſhould be two or more Affidavits of ſeveral Perſons, and the acts of Lunacy ſtated ſhould be unqueſtionable acts upon which no perſon can well entertain a doubt.

The Petition being engroſſed on ſtamped Paper, uſed for Petitions, and the Affidavits ſworn before a Maſter in Chancery, if in Town, or if in the Country before a Maſter Extraordinary in Chancery, ſhould be left with Mr. Van Heythuyſen, of John Street, King's Road, Gray's Inn Lane (the Lord Chancellor's Secretary in this department) who, if there is no Defect in the Affidavits, will procure the Lord Chancellor's Order thereon.—Pay him for the Order 15s. and for filing the Affidavits according to their length.

The Order being obtained muſt be taken to the Office of Mr. Talbot, the Clerk of the Cuſtodies, in New Court, in the Middle Temple, who will make out the Commiſſion, to be ſealed, either at a General or Private Seal, as the exigency of the Caſe may require.

When the Commiſſion is procured, apply to the Commiſſioners to appoint ſome time and place, which muſt be near to the reſidence of the Lunatic, to execute

the Commiſſion. Prepare the Commiſſioners Warrant to the Sheriff to ſummon a Jury for the Purpoſe, which is in the following form:

BY virtue of a Commiſſion in nature of a Writ de Lunatico Inquirendo under the Great Seal of Great Britain, bearing date at Weſtminſter, the 16th day February Inſtant, to us whoſe names are hereunder written, and others in the ſame Commiſſion named, directed to enquire whether John Stephens of Hampſtead, in the County of Middleſex, Eſquire, be a Lunatic or not. Theſe are therefore to will and require you to cauſe to come and appear before us twenty-four honeſt and lawful Men of your County, on Thurſday the 20th day of this Inſtant February, at ten o'clock in the Forenoon of that day, at the Houſe of *A. B.* ſituate at Hampſtead in the Pariſh of in the ſaid County, and known by the name of the Aſſembly Houſe, and then and there upon their Oaths to inquire of the Lunacy of the ſaid John Stephens, and of all ſuch matters and things as ſhall be given them in charge by virtue of the ſaid Commiſſion, and hereof fail not at your Peril. Given under our Hands and Seals the 17th day of February, in the thirtieth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland King, Defender of the Faith, &c. And in the Year of our Lord 1790.

To the Sheriff of the County of Middleſex, or his Deputy.

This Warrant is written on paper without ſtamp, to which put three Seals, and procure the Commiſſioner's Signature thereto; (their Fee is one Guinea each) then leave the Warrant at the Sheriffs' Office, with Directions to ſummon the Jury. The Under Sheriff will ſummon ſixteen or ſeventeen reſpectable Freeholders to attend at the place and time mentioned in the Warrant; if thirteen of whom attend, it will be ſufficient.

The Subpœna to compel the attendance of Witneſſes before the Commiſſioners and Jury, is in the following form:

BY virtue of a Commiſſion in nature of a Writ De Lunatico Inquirendo, under the Great Seal of Great Britain, bearing date at Weſtminſter, the 16th day of February, in the thirtieth year of the Reign of King George the Third, to us whoſe names are hereunto written, and others in the ſame Commiſſion named, directed to enquire whether John Stephens, of Hampſtead, in the County of Middleſex,

dleſex, Eſquire, be a Lunatic or not. Theſe are to will and require you, that you perſonally be and appear before us at the houſe of *A. B.* commonly called, and known by the name of the Aſſembly-Houſe, ſituate at Hampſtead aforeſaid, on Thurſday the 20th day of February Inſtant, by ten of the Clock in the forenoon of the ſame day, and there upon your Oath to teſtify the truth, according to your knowledge, touching the Lunacy of the ſaid John Stephens, and of all ſuch matters as ſhall be demanded of you by virtue of the ſaid Commiſſion. Hereof fail not at your Peril. Given under our Hands and Seals the 17th day of February, in the year of our Lord 1790.

Make out as many Subpœna's (written on unſtamped paper) as there are Witneſſes, and procure them all ſigned and ſealed by the Commiſſioners; this may be done at the time of their ſigning the Warrant to the Sheriff. Keep Copies of each, and ſerve the Originals on the Witneſſes, and give them one Shilling each for Conduct money, (a * Phyſician one Guinea) or Money ſufficient, to bear their expences to the place of meeting. If it ſhould be neceſſary to have a Warrant to produce the Lunatic at the meeting, the above form varied will ſuit.

Theſe preparatory meaſures having been taken, prepare yourſelf for the Execution of the Commiſſion by procuring an exact Statement of the Property of the Lunatic, and by preparing the Inquiſition in blank, for the Signature of the Commiſſioners, and Jury.

The Inquiſition is in the following form:

MIDDLESEX } to wit. }

AN Inquiſition taken at the Houſe of *A. B.* ſituate at Hampſtead, in the Pariſh of in the county of Middleſex, and known by the name of the Aſſembly Houſe, the 20th day of February, in the thirtieth year of the Reign of our Sovereign Lord George the Third, King of Great Britain, &c. before Joſeph Jekyl, Auguſtine Greenland, and Anthony Pye, Eſquires, Commiſſioners

* It is ſeldom neceſſary to ſubpœna the Witneſſes, and the Phyſician for his attendance is generally paid a fee (the amount whereof is regulated by the diſtance he is required to go, and the trouble occaſioned him) after his attendance on the Commiſſioners and Jury.

in his Majeſty's Commiſſion in the nature of a Writ De Lunatico Inquirendo, under the Great Seal of Great Britain, bearing date at Weſtminſter, the 12th day of February Inſtant, to them the ſaid Commiſſioners, and others in the ſame Commiſſion named, directed to enquire amongſt other things of the Lunacy of John Stephens, of Hampſtead, in the County of Middleſex, Eſquire, on the Oath of (here name the Jury) good and lawful Men of the ſaid County, who being ſworn and charged on their Oath ſay, that the ſaid John Stephens is a Lunatic and does not enjoy lucid intervals, ſo that he is not ſufficient for the Government of himſelf, his Meſſuages, Lands, Tenements, Goods, and Chattels, and that he has been in the ſame ſtate of Lunacy, from the day of 1789, but how and by what means he, the ſaid John Stephens, ſo became a Lunatic, the Jurors aforeſaid know not, unleſs by the Viſitation of God, and that the ſaid John Stephens hath not alienated any Lands or Tenements, during his ſaid Lunacy to the knowledge of the ſaid Jurors. And the Jurors aforeſaid upon their Oaths further ſay, that the ſaid John Stephens is poſſeſſed of (here ſtate the Lunatic's property, and if any Arrears of Rent, or Dividends of his Stock in the public Funds, or any Intereſt on Mortgages or Bonds, the Amount ſhould be ſtated) and the ſaid John Stephens is alſo poſſeſſed of a Quantity of Plate, of the Value of £.69. 8s. 6d. he is alſo poſſeſſed of Furniture, and ſome few Books which are of the Value of £.689. And alſo the Jurors aforeſaid upon their Oath ſay, that William Stephens is the only Brother and nearer Heir of the ſaid John Stephens, the ſaid Lunatic, and that the ſaid Lunatic is of the Age of fifty years. In Teſtimony whereof, as well the ſaid Commiſſioners as the Jurors aforeſaid to this Inquiſition have ſet their Hands and Seals the Day, Year, and Place, firſt above-mentioned.

This Inquiſition muſt be Copied fair on unſtampt Brief paper, Brief way.

The Commiſſioners and Jury being met to execute the Commiſſion, and being ſworn, and Proclamation made, the firſt Commiſſioner will addreſs the Jury, explaining to them the Purpoſe of their Attendance, and their Duty; the Solicitor then brings forward his Witneſſes to prove the Lunacy, who are examined by him, the Commiſſioners, and Jury, as they ſee occaſion; if the Jury are ſatisfied of the Lunacy, the Solicitor then examines Witneſſes to prove what Eſtate and Property the Lunatic is entitled to; the Inquiſition is then ſigned by the Commiſſioners and Jury;

Jury; as the Jury ſign their names, pay them a Guinea each, and the Commiſſioners their Fees, which are proportioned to their trouble, and the diſtance they have come; the Under Sheriff is uſually paid the ſame Fee as the Commiſſioners, and the Fee of the Summoning Officer is two Guineas.

After the Meeting engroſs the Inquiſition fair on parchment, with a Bill ſkin ſtamp, 2*s.* 6*d.*; put three Seals, and get the ſame ſigned by the Commiſſioners, together with their return on the back of the Commiſſion as follows: "The "Execution of this Writ appears in the Schedule hereunto annexed." Pay the Commiſſioners one Guinea each. The Commiſſion and Inquiſition annexed, muſt then be left at the Petty Bag Office, and an Office Copy thereof taken from thence.

A Petition muſt then be preferred for the appointment of a Committee or Committees of the Perſon and Eſtate of the Lunatic, and for an Allowance for the Maintenance of the Lunatic. This Petition is in the following form.

In the Matter of John Stephens, a Lunatic.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of William Stephens, the only Brother and next of kin of of the ſaid Lunatic, and alſo his nearer Heir,

Sheweth,

THAT purſuant to your Lordſhip's Order of the 12th day of February laſt, made upon the Petition of your Petitioner, a Commiſſion in the nature of a Writ de Lunatico Inquirendo was awarded and iſſued, directed to certain Commiſſioners therein named, to enquire of the Lunacy of John Stephens, of Hampſtead, in the County of Middleſex, Eſquire, who is the Elder and only Brother of your Petitioner.

That the ſaid Commiſſion hath ſince been duly executed on the 20th day of February laſt paſt, before the major part of the Commiſſioners in the ſaid Commiſſion named, and thereby it is found that the ſaid John Stephens is a Lunatic, and does not enjoy lucid intervals, ſo that he is not ſufficient for the Government of himſelf, his Manors, Meſſuages, Lands, Tenements, Goods, and Chattels, and that

that he has been in the ſame ſtate of Lunacy from the day of 1789. And it was by the ſaid Inquiſition further found that the ſaid John Stephens, the Lunatic, had not alienated any Lands or Tenements during his Lunacy, to the Knowledge of the ſaid Jurors. And it was by the ſaid Inquiſition further found that the ſaid John Stephens was poſſeſſed of (here ſtate the Lunatic's Property). And the Jurors on their Oath ſaid that your Petitioner William Stephens is the only Brother, and nearer Heir of the ſaid Lunatic, and that the ſaid Lunatic is of the Age of fifty years.

That your Petitioner is very deſirous that the perſonal Eſtate of the ſaid Lunatic may be duly taken care of in ſuch manner as is neceſſary and uſual in Caſes of this Nature.

That with a view to leſſen the ſaid Security and for the Safety of the Eſtate of the ſaid Lunatic, your Petitioner is deſirous that the Stocks ſo ſtanding in the Lunatic's name, in the Books of the Governor and Company of the Bank of England, may be transferred to the Accountant General of the Court of Chancery, in truſt in this matter.

Your Petitioner therefore moſt humbly prays your Lordſhip that the Care and Cuſtody of the Perſon and Eſtate of the ſaid Lunatic may be granted to your Petitioner William Stephens, he giving ſuch Security as is uſual in the like Caſes, *and that your Petitioner may be ordered to transfer into the Name, and with the Privity of the ſaid Accountant General, in truſt in this matter, the ſaid Sums of £. Conſolidated Three per Cent. Annuities, and £. Reduced Three per Cent. Annuities, ſo reſpectively ſtanding in the name of the ſaid Lunatic, in the Books of the Bank*, or that your Lordſhip will be pleaſed to make ſuch further or other Order in the Premiſes as to your Lordſhip ſhall ſeem meet.

And your Petitioner ſhall ever pray, &c.

The Petition muſt be ſupported by Affidavit of the Relationſhip of the Petitioner to the Lunatic, and left at the Secretary for Lunatics, (where all Petitions for any purpoſe in Matters of Lunacy are anſwered) for the Lord Chancellor's Order thereon;

on; when anſwered, the Order muſt be filed at the Office of the Clerk of the Cuſtodies, and an Office Copy thereof had from thence. Remember that wherever a Transfer is directed, or the Order is wanted for any purpoſe at the Accountant General's Office, the Order muſt be drawn up at the Regiſter's Office, for which purpoſe a duplicate of the Order ſhould be taken from the Secretary of Lunatics, and left with Mr. Bird, at the Regiſter's Office, who will draw up the Order, which muſt be paſſed and entered.

The Lord Chancellor's Order appointing the Committee being made, the Grant of Cuſtody of the Lunatic's Perſon and Eſtate, may then be obtained. Procure an Affidavit of what Property the Lunatic is entitled to, which leave with the Order and Office Copy of the Commiſſion and Inquiſition at the Office of the Clerk of the Cuſtodies, who files the ſame, and will procure the Attorney General's directions reſpecting the Amount of the Security to be given by the Committee on taking the Grant, and will afterwards prepare the Bond and Affidavit of the Sureties of their ſufficiency, on the names and deſcriptions of two perſons as Sureties being left with him for that purpoſe: all theſe matters being ſettled, the Affidavit ſworn to by the Sureties before a Maſter in Chancery, and the Bond executed, and an Affidavit of the due Execution thereof being made (all of which the Solicitor procures to be done) and left at the Clerk of the Cuſtodies' Office, he will make out the Grant, and procure the ſame ſealed.

The Committee may then petition for a * Maintenance for the Lunatic, the Petition ſhould ſtate ſhortly the iſſuing of the Commiſſion, the Inquiſition finding the Lunacy returned, the Grant of Cuſtody, and praying that it may be referred to one of the Maſters of the Court of Chancery, to conſider of what is proper to be allowed for the Maintenance of the Lunatic.

This Petition being anſwered, and the Order left at the Maſter's Office, take in a State of Facts, and Propoſal for the Maintenance, which muſt be ſupported by proper Affidavits, and the Maſter will require that a ſcheme for the future eſtabliſhment of the Lunatic's houſe, if his fortune is large, ſhould be laid before him, in

* I ſee no reaſon why the Prayer for a Maintenance ſhould not be included in the Petition for the Appointment of the Committee, and I believe it is often done.

order that he may form his opinion on the propriety of the ſame, and the ſum required to ſupport it.

When the Report is made, † file the ſame with the Clerk of the Cuſtodies, and take an Office Copy thereof, and Petition to confirm it; this Petition will ſtand in the Paper of Petitions in Lunacy before the Lord Chancellor, and will be heard in its courſe; a conſent ſhould be given for the next of kin, if neceſſary, and the Order being made, will be drawn up by the Secretary of Lunatics, at whoſe Office the Solicitor muſt call for it, and if any directions to the Accountant-General to make Purchaſes, Transfers, or Payments, a Duplicate of the Order muſt be had, and the Order muſt be drawn up at the * Regiſter's Office, as before directed.

By an Order of the Lords Commiſſioners made 15th December 1792, it was ordered, that all Receivers, and Committees of Lunatics ſhould paſs their Accounts once a Year, and the Maſters are deſired to certify at the ſecond Seal after every Trinity Term, the State of the Receiver's and Committee's Accounts in their reſpective Offices.

The Committee muſt petition that he may paſs his Accounts, the Petition may be in the following form:

In the Matter of John Stephens, a Lunatic.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of William Stephens, of Hampſtead, in the County of Middleſex, Eſquire, Committee of the Eſtate of the ſaid Lunatic.

Sheweth,

THAT a Commiſſion having iſſued to enquire of the Lunacy of the ſaid John Stephens, he was, by inquiſition duly taken thereon, the 20th day of February, 1790, found to be a Lunatic.

† Remember that all Orders and Reports in Lunacy Matters muſt be filed with the Clerk of the Cuſtodies.

* The original Order (and not the Duplicate) ſhould be left with the Regiſter for this purpoſe, and the Duplicate filed with the Clerk of the Cuſtodies, who will deliver back an Office Copy of it.

That in purſuance of your Lordſhip's Order made in this matter for that Purpoſe, a Grant of the Cuſtody of the ſaid Lunatic's Eſtate on the day of 1790, paſſed the Great Seal to your Petitioner.

That your Petitioner, as Committee of the ſaid Lunatic's Eſtate, hath received and paid divers Sums of Money on Account of the ſaid Lunatic, and his Eſtate, and is deſirous to paſs his Account thereof.

Your Petitioner therefore humbly prays your Lordſhip that it may be referred to the Maſter, to whom this Matter is already referred, to take and paſs your Petitioner's Accounts of Receipts and Payments of the ſaid Lunatic's Eſtate from the time he was appointed Committee thereof, and therein to make unto your Petitioner all juſt allowances, and particularly an Allowance of his Coſts of paſſing the ſaid accounts, and all other his Coſts incurred in this Matter.

And your Petitioner ſhall ever pray, &c.

The Order being obtained, the Accounts will be taken before the Maſter in the uſual manner.

APPENDIX.

USEFUL FORMS.

Concluſion of a Bill, being the Prayer of Proceſs.

MAY it pleaſe your Lordſhip to grant to your Orator, *not only his Majeſty's moſt gracious Writ of Injunction iſſuing out of and under the Seal of this Honourable Court to reſtrain the ſaid A. B. from proceeding at Law againſt your Orator, touching the matters aforeſaid, but alſo* his Majeſty's moſt gracious Writ or Writs of Subpœna to be directed to the ſaid *A. B.* and the reſt of the Confederates, when diſcovered, thereby commanding them, and every of them, at a certain day, and under a certain Pain therein to be limited, perſonally to be and appear before your Lordſhip in this Honourable Court, and then and there to anſwer all and ſingular the Premiſes, and *to ſtand to perform and abide ſuch Order, Direction, and Decree therein, as to your Lordſhip ſhall ſeem meet, and your Orator ſhall ever pray, &c.*

N. B. The firſt Clauſe in Italics is only inſerted in Injunction Bills to reſtrain Proceedings at Law; for any other Injunction the form varies agreeable to the fact; in all other Bills it muſt be omitted; and the laſt Clauſe in Italics ſhould be omitted in a Bill for a Diſcovery, or perpetuating the teſtimony of Witneſſes only. See Roſe *v.* Gannel, 3 Atk. 439.

To a Bill of Revivor the Concluſion of the Prayer is as follows:

PERSONALLY to be and appear before your Lordſhip in this Honourable Court, then and there to *anſwer the Premiſes*, and ſhew Cauſe, if he can, why the ſaid Suit, and all the Proceedings therein ſhould not ſtand revived, and be in the ſame plight and condition as they were in at the time of the Abatement thereof, as aforeſaid, and that the ſaid Cauſe and Proceedings may be revived, and the ſaid *A. B.* ſtand to perform and abide ſuch Order, Direction, and Decree therein as to your Lordſhip ſhall ſeem meet, and your Orator ſhall ever pray, &c.

If the Bill is a mere Bill of Revivor, and not to revive and anſwer, then the Words in Italic muſt be omitted.

A Bill is ſometimes to revive only againſt a part of the Defendants, and to revive and anſwer againſt others, and to anſwer only againſt the remainder: whenever that is the caſe the prayer of proceſs muſt be made conformable, which is done by taking ſuch parts of the above Forms in the Prayer of each proceſs as will ſuit the circumſtances of the Caſe.

Proteſtation to an Anſwer being the uſual Commencement.

THESE Defendants, now and at all times hereafter, ſaving and reſerving to themſelves all and all manner of benefit and advantage of Exception that may be had or taken to the many Errors, Uncertainties, and manifeſt Inſufficiences in the Complainant's ſaid Bill of Complaint contained for Anſwer thereunto, or unto ſo much thereof as theſe Defendants are adviſed is material or neceſſary for them to make Anſwer unto, they do anſwer and ſay, &c. &c. &c.

And theſe Defendants deny all and all manner of unlawful Combination and Confederacy wherewith they are charged; without that, that there is any other Matter, Cauſe, or Thing, in the Complainant's ſaid Bill of Complaint contained, material or effectual in the Law for theſe Defendants to make Anſwer unto, and not hereby well and ſufficiently anſwered, avoided, traverſed, or denied, is true to the knowledge or belief of theſe Defendants; all which matters and things theſe Defendants are ready and willing to aver, maintain, and prove, as this Honourable Court ſhall direct; and humbly pray to be hence diſmiſſed, with their reaſonable Coſts and Charges in the Law in this behalf moſt wrongfully ſuſtained.

Wherever the charge of Combination is omitted in the Bill, which is now very frequently the Caſe, particularly by the beſt Draughtſman, the denial of Combination in the Anſwer may likewiſe be omitted, the Concluſion will then commence with the words Without that, that, &c.

Introduction to a Demurrer.

THE ſaid Defendant, by proteſtation not confeſſing or acknowledging all or any of the matters or things in the ſaid Complainant's Bill of Complaint to be true in ſuch manner as the ſame are therein and thereby ſet forth and alledged, Saith, he is adviſed, that there is no matter or thing in the ſaid Bill of Complaint contained, good and ſufficient in the Law, whereby to call this Defendant in queſtion in this Honourable Court for the ſame, but that there is good Cauſe of Demurrer thereto; for that it appears by the Plaintiffs' own ſhewing in and by the ſaid Bill, That, &c.

Concluſion.

Concluſion.

THEREFORE this Defendant, *for all the ſaid Cauſes, and for ſeveral other Defects and Imperfections in the ſaid Bill appearing*, doth demur in Law thereto, and humbly demands the Judgment of this Honourable Court, whether he ſhall be enforced to make any other or further Anſwer thereto; and prays to be hence diſmiſſed with his reaſonable Coſts and Charges in this behalf moſt wrongfully ſuſtained.

To a General Demurrer it may be neceſſary to omit the words in Italics.

OF MOTIONS.

MOTIONS are made to the Court by Counſel, on Inſtructions given by the Solicitor for that Purpoſe; and they are either of Courſe, that is, where the Order applied for is to be granted according to the uſual Courſe of the Court; or Special, where the Order applied for will be made on the Repreſentation of Facts by the Counſel, and where the Neceſſity or Juſtice of the Order applied for is made appear to the Court, by the Pleadings in the Cauſe, or other Evidence offered to the Satisfaction of the Court on the Application.

On Motions of Courſe, the Court will not hear any Oppoſition; the Order is granted upon the bare Repreſentation or Suggeſtion of Counſel, therefore a Notice of the Motion is not neceſſary. Theſe Applications are for the ſame Orders as may be applied for by Petition at the Rolls, on which the Order is made of Courſe; but if the Order is obtained on a falſe Suggeſtion or Miſrepreſentation, the Party to whoſe Prejudice the Order is obtained, may apply by Motion to diſcharge the ſame, on giving a Notice of the Motion; and there is no other Manner of trying the Propriety or Impropriety of the Order complained of. Motions of Courſe are likewiſe made at the Rolls, on the Days in Term, when the Maſter of the Rolls ſits to hear Cauſes, and on the Day after Term, when he ſits to hear Petitions.

Of Motions intended to be made otherwiſe than of Courſe (which are termed Special Motions) a Notice thereof muſt be ſerved on the adverſe Party, or his Clerk in Court, at leaſt two Days previous to the Application intended to be made. Theſe two Days of Notice

Notice are calculated in the following Manner: If a Motion is intended to be made on Thurſday, Notice thereof muſt be ſerved on the Tueſday previous, or before; if the Motion is intended to be made on a Monday, the Notice thereof muſt be ſerved on the Friday previous, or any day before (Sunday not being conſidered as a Day within the Rule.) Notices of Motion muſt ever be in Writing, and an Affidavit of the Service thereof on the Clerk in Court, his Agent, or the Party in the Cauſe, ought to be made and filed, and an Office Copy of the ſame had, to ſatisfy the Court on Motion being made that proper Notice thereof has been given, in caſe the Parties to whom the Notice of Motion has been given ſhould not appear at the making thereof.

The firſt and laſt Days of Term, and every Thurſday in Term, are Days ſet apart for the hearing of Motions, in which no other Buſineſs is done; but Motions that will not take any great Length of Time in the Argument, are permitted to be made every Day in Term, at the Riſing of the Court. The Seal Days appointed before and after every Term, are likewiſe Days eſpecially ſet apart for Motions; but on the Cauſe or Petition Days, or other Days after Term, Motions are not permitted to be made at the Riſing of the Court, as on Days for Cauſes in Term.

Notices of Motion.

N° 1. Notice of Motion that the Defendant may transfer Stock to the Accountant General of the Court.

In Chancery.

Between JOHN LAWRENCE, and others — — — — — — PLAINTIFFS;

and

GEORGE WILSON, and WILLIAM JOHNSON, and others — — DEFENDANTS.

TAKE Notice, That this Honourable Court will be moved on Thurſday next, or ſo ſoon after as Counſel can be heard, that the ſaid Defendants, George Wilſon and William Johnſon may be ordered to transfer to the Accountant General of this Honourable Court, in Truſt in this Cauſe, the Sum of £.3,400. Conſolidated Three per Cent. Bank Annuities, and the Sum of £.5,000. Four per Cent. Bank Annuities, admitted in the Anſwer of the ſaid Defendants to be ſtanding in the Name of their Teſtator Stephen Lawrence, in the Pleadings in this Cauſe named, in the Books of the Governor and Company of the Bank of England; and alſo the reſpective Sums of £.1,862. 6*s*. 10*d*. Conſolidated

dated Three per Cent. Bank Annuities, and £.605. 4*s*. 2*d*. Four per Cent Bank Annuities, likewiſe admitted by the ſaid Defendants to be ſtanding in their Names in the Books of the ſaid Governor and Company, and to have been purchaſed with Part of the Effects of the ſaid Teſtator. Dated this 6th Day of June 1786.

Yours, &c. J. Williams, Plaintiffs' Solicitor.

To Mr. Barker,
Clerk in Court for the Defendants.

N° 2. Notice of Motion that the Maſter may make a ſeparate Report of the Perſonal Eſtate, &c. in order to ground an Application to the Court for an Allowance for Maintenance of Infants.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. and others — — — — — — DEFENDANTS.

TAKE Notice, That this Honourable Court will be moved on Thurſday next, or ſo ſoon after as Counſel can be heard, that John Hett, Eſquire, one of the Maſters of this Honourable Court, to whom this Cauſe ſtands referred, may be at Liberty to make a ſeparate Report of the perſonal Eſtate of *E. F.* deceaſed, the Teſtator in the Pleadings in this Cauſe named, and of his Debts, Funeral Expences, and Legacies; and alſo what is proper to be allowed for the Maintenance and Education of the Infant Plaintiffs, purſuant to the Decree made on the Hearing of this Cauſe.

Yours, &c. J. Williams, Plaintiffs' Solicitor, 6th June 1787.

To Mr. Barker,
Clerk in Court for the Defendants.

N° 3. Notice of Motion to rectify the Minutes of a Decree.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. and others — — — — — — DEFENDANTS.

TAKE Notice, That this Honourable Court will be moved on Thurſday next, or ſo ſoon after as Counſel can be heard, that the Minutes of the Decree made in this Cauſe

may be altered or varied, by inſerting, after the Words
the following Words, viz.
And alſo by inſerting after the Words
the following Words, viz.
And that the ſaid Decree may be further altered or varied, by ſtriking out the following Words, viz. Dated the 6th Day of February 1787.

Yours, &c. J. Williams, Solicitor for the Plaintiffs.

To Mr. Barker,
Clerk in Court for the Defendants.

N° 4. Notice of Motion that a Bill may ſtand diſmiſſed, with Coſts, for Want of Proſecution.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;
and
C. D. and *E. F.* — — — — — — — DEFENDANTS.

THE Defendants intend to move this Honourable Court, on Saturday next the 20th Day of February Inſtant (being the firſt Seal after laſt Hilary Term) or ſo ſoon after as Counſel can be heard, that the Bill filed in this Cauſe may ſtand diſmiſſed out of Court, with Coſts, to be taxed by one of the Maſters thereof, for Want of Proſecution.

Yours, &c. J. Williams, Defendants' Solicitor, 16th February 1786.

To Mr. Barker,
Clerk in Court for the Plaintiff.

N. B. A Notice of Motion to diſmiſs a Bill is neceſſary only after a Replication filed.

N° 5.

N° 5. Notice of Motion, that Defendants may pay the Balances reported to be in their Hands into Court within a limited Time.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. E. F. and others — — — — — DEFENDANTS.

TAKE Notice, That this Honourable Court will be moved on Thurſday the 10th Day of May Inſtant, or ſo ſoon after as Counſel can be heard, that the above-named Defendant *C. D.* may, within a Fortnight, pay into the Bank, * with the Privity of the Accountant General of this Honourable Court, to be placed to the Credit of this Cauſe, the Account of "Intereſt of the Teſtator's perſonal Eſtate," the ſum of £.654. 8*s.* 9*d.* certified by Maſter Hett's Report made in this Cauſe, dated the 20th Day of December laſt, to be due from the ſaid Defendant on the Balance of Accounts of Intereſt of the Teſtator's perſonal Eſtate; and that the ſaid Defendant may, within a Fortnight, pay into the Bank, with the Privity of the ſaid Accountant General, to be placed to the Credit of this Cauſe, the Account of "Rents and Profits of the Teſtator's "Eſtate," the Sum of £.410. 5*s.* 4*d.* certified by the ſaid Maſter in his ſaid Report, to be due from the ſaid Defendant on the Balance of Accounts of Rents of the Teſtator's Eſtate; and that the ſaid reſpective Sums may be laid out in the Purchaſe of Bank Three per Cent. Annuities, in the Name and with the Privity of the ſaid Accountant General, in Truſt in this Cauſe, the like Accounts purſuant to the Directions of an Order made in this Cauſe, on the 27th Day of January laſt. Dated the 7th Day of May 1788.

Yours, &c. J. Williams, Plaintiffs' Solicitor.

To Mr. Barker,
Clerk in Court for the ſaid Defendant *C. D.*

* When a Sum of Money is to be paid into Court, this is the Form of the Order, but when Stock is to be transferred the Order runs, that the Stock ſhall be transferred *into the Name*, and with the Privity of the Accountant General—the like in Purchaſes of Stock.

N° 6. Notice of Motion by a Purchaſer of an Eſtate before a Maſter, to be at liberty to pay in his Purchaſe Money, &c.

In Chancery.

Between *A. B*, and others — — — — — — — PLAINTIFFS;
and
C. D. and others — — — — — — — DEFENDANTS.

TAKE Notice that John Thompſon, Eſq. the Purchaſer of Lot , one part of the Premiſes in queſtion in this Cauſe, intends to move this Honourable Court, on the day of this inſtant, December, being the laſt General Seal after laſt Michaelmas Term, or ſo ſoon after as Counſel can be heard, that he may be at liberty on or before the 23d day of this inſtant, December, to pay the ſum of £.2,800 being the Purchaſe Money for the ſaid Lot 3, into the Bank, with the privity of the Accountant General of this Court, in truſt in this Cauſe; and that the ſaid John Thompſon may thereupon be let into poſſeſſion of the Premiſes compriſed in the ſaid Lot, and may receive the Rents and Profits thereof from Michaelmas laſt, * *and that the ſaid Money when ſo paid in may not be paid out without notice to the ſaid Purchaſer.* Dated this day of December, 1790.

Yours, &c. J. Williams, Solicitor for the ſaid Purchaſer.

OF AFFIDAVITS.

ALL Affidavits, except of Perſons admitted to proſecute or defend in forma pauperis, muſt be written on treble † Sixpenny Stamps, fair; and if any Miſtake, by which an Interlineation, or an Eraſure, becomes neceſſary, it ſhould be pointed out to the Maſter, who adminiſters the Oath, that he may put his Initials in the Margin of the Place where ſuch Interlineation or Eraſure occurs.

The true Place of Reſidence, and alſo the Title or Profeſſion of the Perſon making the Affidavit, muſt be inſerted.

* See page 91, as to the conſequence of this clauſe forming a part of the Order.

† Sixpence additional to this duty by Act 35 Geo. 3. chap. 30, and the like upon Office Copies.

Affidavits

Affidavits are ſworn before a Maſter in Chancery, or before a Maſter Extraordinary in the Country. A Maſter attends at the Public Office, Symond's-Inn, for the Purpoſe of adminiſtering Oaths, every Day from ten till two, and from ſix till eight; in the intermediate Time the Oath may be taken before a Maſter, either at his Houſe or Chambers; Affidavits muſt be filed with the proper Officer (whoſe Office is in Staple's Inn); and where the Affidavit is made to be read in Court, an Office Copy thereof muſt be had for that Purpoſe; and all Affidavits made in Support of, or to oppoſe any Application intended to be made to the Court, ſhould be filed a ſufficient Time before ſuch Application, ſo as to enable the other Party to take a Copy thereof.

In an Affidavit of Service of a Notice of Motion on a Clerk in Court, the Name of the Clerk in Court on whom the ſame was ſerved muſt be ſtated; and it muſt likewiſe ſtate that the Notice was in Writing: But where the Notice was ſerved on the Clerk, or Agent of the Clerk in Court, the Name of ſuch Clerk or Agent need not be ſtated.

Affidavits.

N° 1. Affidavit of the Service of a Notice of Motion.

In Chancery.

Between John Lawrence, and others — — — — — — — PLAINTIFFS;

and

George Wilſon, and William Johnſon, and others — — DEFENDANTS.

A. B. Clerk to Mr. Williams, of the Inner Temple, London, Solicitor for the Plaintiffs in this Cauſe, maketh Oath, That he did, on Monday the 3d Day of June Inſtant, ſerve Mr. Barker, who acts as Clerk in Court for all the Defendants in this Cauſe *(or if there are more Clerks in Court, then ſay Mr. and Mr. Barker, as the Caſe may be, who are all the Clerks in Court for the Defendants in this Cauſe)* with a Notice in Writing, purporting that this Honourable Court would be moved on Thurſday then next, or ſo ſoon after as Counſel could be heard, that the ſaid Defendants, George Wilſon, and William Johnſon, might be ordered to transfer to the Accountant General of this Honourable Court, in Truſt in this Cauſe, the Sum of £.3,400. Conſolidated Three per Cent. Bank Annuities, and the Sum of £.5,000. Four per Cent. Bank Annuities, admitted in the Anſwer of the ſaid Defendants to be ſtanding in the Name of their Teſtator, Stephen Lawrence,

Lawrence, in the Pleadings in this Cauſe named, in the Books of the Governor and Company of the Bank of England; and alſo the reſpective Sums of £.1,862. 6*s*. 10*d*. Conſolidated Three per Cent. Bank Annuities, and £.605. 4*s*. 2*d*. Four per Cent. Bank Annuities, likewiſe admitted by the ſaid Defendants to be ſtanding in their Names in the Books of the ſaid Governor and Company, and to have been purchaſed with Part of the Effects of the ſaid Teſtator, by delivering to and leaving with the Clerk or Agent of the ſaid Mr. Barker, at his Seat in the Six Clerks' Office, a true Copy of ſuch Notice (or in caſe there ſhould be more than one Clerk in Court, and one ſhould be perſonally ſerved, then, inſtead of the laſt Clauſe ſay, by delivering to and leaving with the ſaid Mr.
and with the Clerk or Agent of the ſaid Mr. Barker, at his Seat in the Six Clerks' Office, true Copies of ſuch Notice.)

N° 2. Affidavit to ground an Application for a Commiſſion to aſſign a Guardian to a Defendant of unſound Mind.

In Chancery.

Between *A. B.* and others — — — — — — — — PLAINTIFFS;
and
C. D. and others — — — — — — — — DEFENDANTS.

E. F. of Hatton Garden, in the County of Middleſex, Doctor of Phyſic, maketh Oath and ſaith, That he hath known *A. H.* a Defendant in this Cauſe, and the Wife of *J. H.* for upwards of five Years laſt paſt, and that during all that Time the ſaid *A. H.* hath been under the Care of this Deponent; and this Deponent further ſaith, that the ſaid *A. H.* is a Perſon of unſound Mind, and incapable of taking Care of her own Affairs, or of underſtanding the Purport or Nature of a Bill and Anſwer in Chancery; and that no Commiſſion of Lunacy (to the Knowledge or Belief of this Deponent) hath been iſſued againſt the ſaid *A. H.* And this Deponent further ſaith, that the ſaid *A. H.* is deſerted by her Huſband.

Sworn, &c.

N. B. This Affidavit muſt vary according to the Circumſtances of the Caſe.

N° 3. Affidavit to ground an Application for an Order, that Service of a Subpœna to hear Judgment on the Clerk in Court for an abſconding Defendant, may be deemed good Service.

In Chancery.

Between *A. B.* and others — — — — — — — PLAINTIFFS;
and
C. D. and others — — — — — — — DEFENDANTS.

G. H. of the Inner Temple, London, Gentleman, maketh Oath and ſaith, That he did, on or about the 2d Day of this Inſtant April, apply to Mr. *L.* in Gray's Inn, the Solicitor for the Defendant *C. D.* in this Cauſe, to receive a Subpœna to hear Judgment in this Cauſe, for the ſaid Defendant, which the ſaid Mr. *L.* refuſed to do; and thereupon this Deponent required to be informed by the ſaid Mr. *L.* where the ſaid Defendant reſided, or was to be found, in order that he might be ſerved with the ſaid Subpœna; when the ſaid Mr. *L.* informed this Deponent that he could not tell where the ſaid Defendant was to be found, but the ſaid Mr. *L.* referred this Deponent to Mr. *R. N.* of Milk Street, London, Ironmonger, by whom the ſaid Mr. *L.* ſaid he was employed for the ſaid Defendant in this Suit. And this Deponent further ſaith, that he did afterwards apply to the ſaid Mr. *R. N.* and enquired of him where the ſaid Defendant now reſided, or was to be found, in order that the ſaid Subpœna might be ſerved on him, when the ſaid Mr. *R. N.* informed this Deponent that he did not know where the ſaid Defendant now reſided, or was to be found: and this Deponent further ſaith, that he afterwards applied to Mr. Barker, the Clerk in Court for the ſaid Defendant in this Cauſe, to accept the Subpœna to hear Judgment for the ſaid Defendant, which the ſaid Mr. Barker refuſed to do, and thereupon this Deponent enquired of the ſaid Mr. Barker where the ſaid Defendant lived, or was to be found, when the ſaid Mr. Barker informed this Deponent that he did not know the ſaid Defendant, nor where he lived or was to be found, and the ſaid Mr. Barker referred this Deponent to the ſaid Mr. *L.* by whom he ſaid he was employed in this Cauſe; and this Deponent further ſaith, that he afterwards enquired at ſeveral Places, where this Deponent was informed there was a Probability of learning the ſaid Defendant's Place of Reſidence, but this Deponent could not, on ſuch Enquiries, diſcover where the ſaid Defendant reſided, or was to be found.

N° 4. Affidavit of Service of an Order, that Service of a Subpœna to hear Judgment on the Clerk in Court may be deemed good Service; and likewiſe of the Service of the Subpœna on the Clerk in Court.

In Chancery.

Between *A. B.* and others — — — — — — — — PLAINTIFFS
and
C. D. and others — — — — — — — — DEFENDANTS.

G. H. of the Inner Temple, Gentleman, maketh Oath and ſaith, That he did, on the 15th Day of April Inſtant, perſonally ſerve Mr. Barker, who acts as Clerk in Court for the Defendant *C. D.* in this Cauſe, as this Deponent has been informed and believes, with an Order made in this Cauſe by his Honour the Maſter of the Rolls, on the 10th Day of April Inſtant, duly paſſed and entered, whereby it was ordered, that Service of the Subpœna to hear Judgment in this Cauſe on the Clerk in Court for the ſaid Defendant *C. D.* ſhould be deemed good Service on the ſaid Defendant, by delivering a true Copy of the ſaid Order ſo paſſed and entered to the ſaid Mr. Barker, and at the ſame Time ſhewing him the ſaid original Order; and this Deponent further ſaith, that he did at the ſame Time perſonally ſerve the ſaid Mr. Barker with a Subpœna, iſſuing out of and under the Seal of this Honourable Court, by delivering a Label of the ſaid Subpœna, to the ſaid Mr. Barker, and at the ſame Time ſhewing him the Body of the ſaid Subpœna, ſo under Seal as aforeſaid; by which ſaid Subpœna the ſaid *C. D.* was commanded to appear in this Honourable Court the 26th Day of April, to hear Judgment the 30th Day of April, at the Suit of the above-named *A. B.* and others, the Plaintiffs in this Cauſe.

N° 5. Affidavit of a Defendant's Reſidence, to obtain a Subpœna, returnable immediately.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. and *E. F.* and others — — — — DEFENDANTS.

G. H. of maketh Oath and ſaith, That the above-named Defendants, *C. D.* and *E. F.* live and reſide at Hackney, in the County of Middleſex, which is within ten Miles of the City of London.

N° 6. Affidavit of the Service of a Subpœna.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. E. F. and *G. H.* — — — — — DEFENDANTS.

J. K. of maketh Oath, That he did, on the 1ſt Day of November Inſtant, ſerve the above-named Defendants with a Subpœna, iſſuing out of and under the Seal of this Honourable Court, by delivering to and leaving with the ſaid Defendants *C. D.* and *E. F.* reſpectively, a Label of the ſaid Subpœna, and at the ſame Time ſhewing them reſpectively the Body of the ſaid Subpœna, ſo under Seal as aforeſaid, and by leaving with the Wife of the ſaid other Defendant *G. H.* at his Houſe in the Body of the ſaid Subpœna, ſo under Seal as aforeſaid, by which ſaid Subpœna the ſaid Defendants were directed to appear in this Honourable Court on the 6th Day of November Inſtant, at the Suit of the Plaintiffs in this Cauſe, as appeared to this Deponent by the Labels of the ſaid Subpœna.—*Or in the following Form:*

That this Deponent did, on the 28th Day of October laſt, ſerve the ſaid Defendant *C. D.* and on the 3d Day of November Inſtant, ſerve the ſaid *E. F.* and on the 4th Day of November Inſtant, ſerve the ſaid Defendant *G. H.* with a Subpœna, iſſuing out of and under the Seal of this Honourable Court, whereby the ſaid Defendants were directed to appear in this Honourable Court on the 6th Day of November Inſtant, at the Suit of the Plaintiffs in this Cauſe (as appeared to this Deponent by the Labels of the ſaid Subpœna) by delivering to, and leaving with the ſaid Defendant *C. D.* and *E. F.* reſpectively, a Label of the ſaid Subpœna, ſo under Seal as aforeſaid, and by leaving at the Houſe (*or Lodgings*) of the ſaid Defendant *G. H.* with a Woman Servant of the ſaid *G. H.* the Body of the ſaid Subpœna, ſo under Seal as aforeſaid, *or by leaving with a Perſon who informed this Deponent he was the Son (or Man Servant) of the ſaid Defendant;* the Body of the ſaid Subpœna, ſo under Seal as aforeſaid.

If at his Lodgings, by leaving with a Perſon at the Lodgings of the ſaid Defendant *G. H.* in Cheapſide, London, who informed this Deponent he was the Maſter of the ſaid Houſe, or a Servant or otherwiſe, as the Fact may be.

N° 7. Affidavit of a Party to ground an Application to be admitted to ſue or defend a Suit in Forma Pauperis *.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — DEFENDANT.

A. B. of the Complainant, (or *C. D.* of the Defendant,) maketh Oath, That he is not worth the Sum of Five Pounds in all the World, his juſt Debts being firſt paid, and his Wearing Apparel, and the Matters in queſtion in this Cauſe, only excepted.

N° 8. Affidavit to be made by a Complainant in a Bill of Interpleader, to be annexed to the Bill on filing the ſame.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;

and

C. D. and *E. F.* — — — — — — — DEFENDANTS.

A. B. the Complainant above-named, maketh Oath and ſaith, That this Bill is not filed in Colluſion with either of the Defendants in the ſaid Bill named, but merely of his own Accord, for Relief in this Honourable Court.

* See the Form of a Petition for either a Plaintiff or Defendant to be admitted to ſue or defend in Forma Pauperis, under the Head of Petitions, No 53, and 54.

N° 9. Affidavit of the due Execution of Deeds, purſuant to an Order for that Purpoſe.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. E. F. and others — — — — — DEFENDANTS.

L. R. of Lincoln's Inn, in the County of Middleſex, Gentleman, maketh Oath and ſaith, That the above-named Defendant *C. D.* and alſo *E. F.* of Queen's Square, in the County of Middleſex, Eſquire, did each of them, in the Preſence of this Deponent, and of *R. A.* of Chancery Lane, in the ſaid County, Gentleman, duly ſign, ſeal, and, as their ſeveral Acts and Deeds, deliver certain Indentures of Leaſe and Releaſe, bearing Date reſpectively the 9th and 10th Days of June 1787, being a Conveyance ſettled and approved by John Hett, Eſquire, the Maſter to whom this Cauſe ſtands referred, of certain Premiſes, ſituate in the Pariſh of *R.* in the County of Wilts, mentioned in the Decree or Decretal Order made in this Cauſe, on the 10th Day of February, 1787; and this Deponent further ſaith, that *A. H.* of the Adelphi, in the County of Middleſex, Eſquire, did alſo, in the Preſence of this Deponent, and the ſaid *R. A.* duly ſign, ſeal, and as his Act and Deed, deliver the ſaid Indenture of Releaſe; and that the Names *L. R.* and *R. A.* indorſed upon the ſaid Indenture of Leaſe as Witneſſes, atteſting the Execution thereof by the ſaid *C. D.* and *E. F.* and on the ſaid Indenture of Releaſe as Witneſſes, atteſting the Execution thereof by the ſaid *C. D. E. F.* and *A. H.* are of the proper Hands Writing of this Deponent and the ſaid *R. A.* reſpectively.

N° 10. Affidavit of a Receiver, on paſſing his Accounts before the Maſter.

In Chancery.

Between *A. B.* and others — — — — — — — PLAINTIFFS;
and
C. D. E. F. and others — — — — — DEFENDANTS.

G. H. of Marlborough, in the County of Wilts, Gentleman, the Receiver of the Rents and Profits of the Eſtates in Queſtion in this Cauſe, maketh Oath, That the foregoing Account ſet forth in the 13th, 14th, and 15th Pages of this Book, doth contain (according to the beſt of this Deponent's Knowledge and Belief) a full and true Account of all the Rents and Profits of the ſaid Eſtates for one Year, ending at Michaelmas 1787, being from

the Foot of his former Account, and of the former Rents returned by his ſaid former Account to be in Arrear and unreceived at the Time of making up the ſame, which have been received by this Deponent, or any other Perſon by his Order or for his Uſe, except ſuch as may have been received ſince the Time of making up his Account for the ſaid Year, ending at Michaelmas 1787, which are or will be brought into his ſubſequent Account; and this Deponent further ſaith, that the ſeveral Sums of Money mentioned in the ſaid foregoing Account (in the 16th and 17th Pages of this Book) to have been paid or allowed, were actually paid or allowed by this Deponent for or on Account of the ſaid Eſtates, and for the ſeveral Purpoſes in the 16th and 17th Pages mentioned, according to the beſt of his Knowledge and Belief; and this Deponent further ſaith, that he doth not know of any Error or Omiſſion in the ſaid foregoing Accounts to the Prejudice of any of the Parties in the ſaid Cauſe.

N° 11. Affidavit in Support of a Petition or Motion to enlarge Publication, where Publication is paſſed.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;

and

C. D. — — — — — — — — -- -- DEFENDANT.

C. D. of the above-named Defendant in this Cauſe. *E. F.* of his Solicitor, and *G. H.* his Clerk in Court in this Cauſe, ſeverally make Oath and ſay, and firſt this Deponent *C. D.* for himſelf ſaith, That the Depoſitions taken in this Cauſe have not been ſeen, read, or heard read by this Deponent, nor hath this Deponent been informed or acquainted with the Purport or Contents of the ſaid Depoſitions, nor will this Deponent, until Publication ſhall be enlarged, and paſs by the Order of this Honourable Court, in Caſe ſuch Order can be obtained; and this Deponent *C. D.* further ſaith, that he hath ſeveral material Witneſſes to examine, and particularly *J. W. J. S.* and *G. R.* of as he is informed by his ſaid Solicitor, and verily believes; and theſe Deponents *E. F.* and *G. H.* for themſelves ſeverally make Oath and ſay, that they, or either of them, to the Knowledge or Belief of the other, have not ſeen, read, or heard read the ſaid Depoſitions, or been informed of the Contents thereof, nor will theſe Deponents, or either of them, be informed of the Contents thereof until Publication ſhall be enlarged and paſſed by the Order of this Honourable Court, in caſe ſuch Order can be obtained.

N° 12. Affidavit of Service of Order Niſi, for confirming a Report.

In Chancery.

Between (ſtate the Title of the Cauſe.)

A. B. Clerk to John Williams of Gent. Solicitor for the Plaintiffs in this Cauſe, maketh Oath that he did on the 3rd Day of this Inſtant May, perſonally ſerve the above-named Defendant *R. T.* and on the 4th Day of this Inſtant May, perſonally ſerve the above-named Defendant *L. R.* each with a true Copy of an Order made in this Cauſe, on the 1ſt Day of May Inſtant. Whereby it was ordered that a Report made in this Cauſe by Mr. Holford, one of the Maſters of this Court, dated the 27th day of April laſt, and all the Matters therein contained, ſhould ſtand ratified and confirmed by the Order, Authority, and Decree of this Court, to be obſerved and performed by all Parties thereto, according to the tenor and true meaning thereof, unleſs the Defendants having notice thereof ſhould within eight days after ſuch Notice ſhew unto this Court good Cauſe to the contrary. And this Defendant at the time of ſuch Service ſhewed to each of the ſaid Defendants the ſaid original Order, duly paſſed and entered.

If by the terms of the Order the Clerks in Court are to be ſerved, the above form muſt be varied according to the fact, as follows,

—— maketh Oath, that he did, on the 3rd day of May Inſtant, ſerve Mr. Barker, Mr. Tancred, and Mr. Shaddick, who are the Clerks in Court for the Plaintiffs, (naming them and all the Defendants in this Cauſe) with an Order, &c. (as above) by delivering to, and leaving with the Clerks or Agents of the ſaid Mr. Barker, Mr. Tancred, and Mr. Shaddick, each, a true Copy of the ſaid Order at their reſpective Seats in the Six Clerks' Office, and at the ſame time ſhewing them reſpectively the ſaid original Order duly paſſed and entered.

OF

OF PETITIONS.

PETITIONS must be copied upon a treble Sixpenny Stamp (except where a Party is * admitted to ſue or defend in forma pauperis, when a Stamp is not neceſſary) need not be ſigned by or in the Name of any Perſon making the Application, and are directed and preſented to the Lord Chancellor, or Maſter of the Rolls, through their reſpective Secretaries. The Application may either be for ſome Direction or Order, which will be granted of Courſe, or on which it will be neceſſary to hear Counſel in Court. In the firſt Caſe, the Order is drawn up by the Regiſter, on the Petition being anſwered and left with him for that Purpoſe; in the other Caſe, the Petition is anſwered by directing that "all "Parties attend the next day of Petitions, of which Notice is to be given forthwith," is then ſet down to be heard on the next Petition Day, when Counſel attend, and debate the Matter; and ſuch Order is made by the Court as the Subject requires. The Petition, and Anſwer thereto, in this laſt Caſe, ſhould be ſerved on the Clerks in Court for the adverſe Parties, an Affidavit made and filed of the due Service, and an Office Copy thereof procured to read in Court, in caſe the Parties who are ſo ſerved do not attend on the Hearing of the Petition.

Petitions, where the Applications are granted of Courſe, are upon various Occaſions; ſuch as, for Liberty to amend a Bill, Time to anſwer a Bill, for Commiſſions to take an Anſwer, examine Witneſſes, aſſign a Guardian to an Infant Defendant, &c. &c. &c. and are generally preſented to the Maſter of the Rolls (except for the ſetting down a Plea or Demurrer for Argument, and on ſuch other Applications, where the Matter prayed is the particular Province of the Chancellor to grant, in Cauſes which muſt come for Debate or Argument before him). Petitions for Matters of Courſe preſented to the Maſter of the Rolls, are left at his Secretary's Office in the Rolls Yard: Pay anſwering 5*s.* 6*d.* The Order is drawn up by Mr. Bird at the Regiſter's Office, on the Petition and Anſwer thereto being left with him. Petitions for Matters of Courſe to the Chancellor are left at his Secretary's Office (Mr. Cotes, N° 2, Lincoln's Inn New Square): Pay anſwering 10*s.*; the Order is likewiſe drawn up at the Regiſter's Office. For an Order compriſed in one Side of the Paper 4*s.* 6*d.* is paid; the Order muſt be paſſed by the Regiſter, which is done by the Initials of his Name being put in the Margin, at the Foot of the Order, by the Clerk

* But until Admiſſion, and even on the Petition, praying to be admitted to ſue or defend in forma pauperis, Stamps are neceſſary.

at

at the Seat; the Order muſt then be entered by the proper * Entering Clerk in the ſame Office. An Order on one Side will be entered from a Copy thereof, which muſt be made by the Solicitor, and left with the Entering Clerk for that Purpoſe, who will thereupon ſign the Order, and mark it entered. But all Orders of more than one Side in Length muſt be left with the Entering Clerk to be entered therefrom, who will deliver out the Order marked and ſigned, when he has made the proper Entry thereof. For an Order of one Side only 1*s.* 6*d.* is paid; for a longer Order 6*d.* for every Side; and 1*s.* for every ten Sides for Duty.

Orders made of Courſe on Petitions, muſt be ſerved on the Clerks in Court for the other Parties in the Cauſe, the ſame as other Orders.

Petitions for Plaintiffs.

N° 1. Petition for a Subpœna, returnable immediately.

In Chancery.

Between *A. B.* and others — — — — — — — PLAINTIFFS;
and
C. D. E. F. and others — — — — — DEFENDANTS

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiffs;

Sheweth,

THAT your Petitioners have filed their Bill in this Honourable Court againſt the above-named Defendants, *C. D.* and *E. F.* and others, which ſaid *C. D.* and *E. E.* reſide at Hackney, within ten Miles of the City of London, as by the Affidavit annexed appears.

Your Petitioners therefore moſt humbly pray your Honour, That they may be at Liberty to ſue out Proceſs of Subpœna againſt the ſaid Defendants to appear to and anſwer the ſaid Bill, returnable immediately.

And your Petitioners ſhall ever pray, &c.

* There are two Entering Clerks, whoſe Seats are on each Side of the Door; one enters all Orders and Decrees, where the firſt Plaintiff's Name begins with any Letter from A to K; and the other all Orders and Decrees where the firſt Plaintiff's Name begins with any Letter from L to Z. Over the Seats thoſe Letters are marked for the Direction of the Solicitor.

N° 2. Petition for an Attachment, returnable immediately.

In Chancery.

Between *A. B.* and others — — — — — — — PLAINTIFFS;
and
C. D. and others — — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiffs.

Sheweth,

THAT your Petitioners having filed their Bill againſt the above-named Defendant, and others, the ſaid Defendant hath appeared thereto, but hath not put in his Anſwer within the Time allowed by the Rules of this Honourable Court for that Purpoſe.

That the ſaid Defendant reſides in the City of London, as by the Affidavit annexed appears.

Your Petitioners therefore moſt humbly pray your Honour, That they may be at Liberty to ſue out Proceſs of Contempt againſt the ſaid Defendant *C. D.* for Want of his Anſwer, returnable immediately, *and that all future proceſs of Contempt againſt the ſaid Defendant may be made returnable in the ſame manner.*

And your Petitioners ſhall ever pray, &c.

N° 3. Petition to take the Anſwer of a Defendant without Oath.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;
and
C. D. E. F. and others — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT your Petitioner having filed his Bill in this Honourable Court againſt the above-named Defendants, and others, he is willing to take the Anſwer of the ſaid Defendant *E. F.* without Oath.

Your

Your Petitioner therefore moſt humbly prays your Honour, That the ſaid Defendant *E. F.* may be at Liberty to put in his Anſwer to your Petitioner's ſaid Bill, without Oath.

And your Petitioner ſhall ever pray, &c.

N° 4. Petition to amend Bill.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;

and

C. D. and others — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT your Petitioner having filed his Bill in this Honourable Court, the Defendants have appeared thereto, but have not yet anſwered; and your Petitioner is adviſed to amend his ſaid Bill.

Your Petitioner therefore humbly prays your Honour, That he may be at Liberty to amend his ſaid Bill, as he ſhall be adviſed, without Coſts, amending the Defendants' Copies.

And your Petitioner ſhall ever pray, &c.

N° 5. Another Petition to amend Bill.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;

and

C. D. and others — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiffs;

Sheweth,

THAT your Petitioners having exhibited their Bill in this Honourable Court againſt the ſaid Defendant *C. D.* and others, who have all appeared thereto and put in their Anſwers; on the Peruſal of which your Petitioners are adviſed to amend their ſaid Bill, but ſhall not require any further Anſwer from the Defendants.

Your Petitioners therefore moſt humbly pray your Honour, That they may be at Liberty to amend their ſaid Bill, as they ſhall be adviſed, amending the Defendants' Copies, and requiring no further Anſwer from the ſaid Defendants.

And your Petitioners ſhall ever pray, &c.

N° 6. Another Petition to amend Bill.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;

and

C. D. and others — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiffs;

Sheweth,

THAT your Petitioners having exhibited their Bill againſt the above-named Defendant *C. D.* and others, the ſaid Defendant *C. D.* only hath appeared and put in his Anſwer thereto (none of the other Defendants having yet appeared to the ſaid Bill) ſince which your Petitioners are adviſed to amend their ſaid Bill.

Your Petitioners therefore humbly pray your Honour, That they may be at Liberty to amend their ſaid Bill as they ſhall be adviſed, on Payment of 20*s.* Coſts to the ſaid Defendant *C. D.* in reſpect thereof, and without Coſts as to the other Defendants.

And your Petitioners ſhall ever pray, &c.

N° 7. Petition to withdraw a Replication, and amend a Bill.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;

and

C. D. and others — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT your Petitioner having filed his Bill in this Honourable Court againſt the above-named Defendant, and others, they appeared and put in their Anſwer thereto, to which

which your Petitioner hath replied; but no Witneſſes have been examined on either Side.

That your Petitioner is ſince adviſed to amend his Bill, by adding Parties Defendants, and otherwiſe.

Your Petitioner therefore moſt humbly prays your Honour, That he may be at Liberty to withdraw his Replication, and amend his Bill, by adding Parties Defendants, or otherwiſe as he ſhall be adviſed, on Payment of 20*s*. Coſts.

And your Petitioner ſhall ever pray, &c.

N° 8. Petition for Subpœnas to rejoin, returnable immediately, &c. and for a Commiſſion.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;

and

C. D. and others — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiffs;

Sheweth,

THAT your Petitioners having exhibited their Bill in this Honourable Court againſt the above-named Defendant and others, they appeared and put in their Anſwers thereto, to which your Petitioners have replied; and your Petitioners have ſeveral Witneſſes to examine in the Country.

Your Petitioners therefore moſt humbly pray your Honour, That they may be at Liberty to ſue out Subpœnas to rejoin, returnable immediately; and that Service thereof on the Defendants' Clerks in Court may be deemed good Service on the Defendants; and that your Petitioners may be at Liberty to ſue out a Commiſſion for the Examination of his Witneſſes, returnable without Delay; and that the Defendants' Clerk in Court may, in four Days after Notice hereof, join and ſtrike Commiſſioners Names with your Petitioners' Clerk in Court, or in Default thereof that your Petitioners may have a Commiſſion directed to their own Commiſſioners; and that your Petitioners may be at Liberty to execute the ſame in Term Time.

And your Petitioners ſhall ever pray, &c.

N° 9. Petition to alter a Commiſſioner's Name, already inſerted in a Commiſſion, and to renew the ſame.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;

and

C. D. and others — — — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT your Petitioner in laſt, ſued out a Commiſſion to examine Witneſſes, wherein the Defendants joined, but your Petitioner has not yet been able to execute the ſame.

That one of your Petitioner's Commiſſioners named in the ſaid Commiſſion, namely, *R. R.* Gentleman, is now reſident in London, where he will remain for a long Time; and your Petitioner hath in conſequence thereof named the Perſons ſubſcribed in his Room, but the Defendant refuſes to ſtrike the ſaid Names.

Your Petitioner therefore humbly prays your Honour, That he may be at Liberty to alter the Commiſſion; and that your Honour will be pleaſed to name one of the two Perſons ſubſcribed as a Commiſſioner in the Room of the ſaid *R. R.* and that your Petitioner may be at Liberty to renew the ſaid Commiſſion, and to make the ſame returnable without Delay.

L. N.
R. T.

And your Petitioner ſhall ever pray, &c.

N° 10.

N° 10. Petition for the Lord Chancellor's Letter Miſſive.

In Chancery.

Between *A. B.* and others — — — — — — — PLAINTIFFS;
and
James Earl of Lonſdale — — — — — DEFENDANT.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of the Plaintiffs;

Sheweth,

THAT your Petitioners have exhibited their Bill in this Honourable Court againſt the ſaid James Earl of Lonſdale, who, in regard to his Quality, cannot be compelled by the ordinary Proceſs of this Court to appear to your Petitioner's ſaid Bill.

Your Petitioners therefore moſt humbly pray your Lordſhip's Letter Miſſive, directed to the ſaid James Earl of Lonſdale, deſiring his Lordſhip to appear to your Petitioner's ſaid Bill on the 27th Day of January Inſtant.

21ſt January 1786. And your Petitioners will ever pray, &c.

Be it ſo. Thurlow, C.

N° 11. Petition for the Lord Chancellor's Letter Miſſive for the immediate Appearance of a Peer.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;
and
James Earl of Lonſdale — — — — — DEFENDANT.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of the Plaintiff;

Sheweth,

THAT your Petitioner hath exhibited his Bill in this Honourable Court againſt the ſaid James Earl of Lonſdale, who, in regard to his Quality, cannot be compelled by the ordinary Proceſs of this Court to appear to your Petitioner's ſaid Bill.

That the ſaid Defendant lives and reſides in Charles Street, Berkeley Square, in the County of Middleſex, as by the Affidavit annexed appears.

Your Petitioner therefore moſt humbly prays your Lordſhip's Letter Miſſive, directed to the ſaid James Earl of Lonſdale, deſiring his Lordſhip to appear to your Petitioner's ſaid Bill, immediately.

And your Petitioner ſhall ever pray, &c.

10th July 1786, filing the Affidavit of John Stephens, hereto annexed. Be it ſo. Thurlow, C.

N° 12. A Petition to file Exceptions nunc pro tunc.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT your Petitioner having exhibited his Bill in this Honourable Court againſt the above-named Defendant, he hath put in his Anſwer thereto, to which your Petitioner hath taken Exceptions; but the ſaid Exceptions not having been filed within the Time limited by the Rules of this Court, the Defendant's Clerk in Court hath refuſed to accept the ſame.

Your Petitioner therefore moſt humbly prays your Honour, That he may be at Liberty to file the ſaid Exceptions nunc pro tunc.

And your Petitioner ſhall ever pray, &c.

N° 13.

N° 13. A Petition to file Exceptions nunc pro tunc, after a a Plea has been argued, and ordered to ſtand for an Anſwer, with Liberty to except.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. and others — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiffs;

Sheweth,

THAT your Petitioners having filed their Bill in this Honourable Court againſt the above-named Defendant, and others, the ſaid Defendant put in a Plea and Anſwer thereto, on arguing of which Plea, on the Day of laſt, it was ordered that the ſame ſhould ſtand for an Anſwer, with Liberty for your Petitioners to except thereto, as in the ſaid Order mentioned.

That your Petitioners have prepared their Exceptions accordingly; but not having been able to prepare them in Time to file according to the Courſe of the Court, the ſaid Defendants' Clerk in Court refuſes to receive them.

(Prayer the ſame as in the laſt Petition.)

N°. 14. Petition to refer Exceptions.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;
and
C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT your Petitioner having filed his Bill in this Honourable Court againſt the above-named Defendant, he hath put in his Anſwer thereto; to which Anſwer your Petitioner hath filed Exceptions; and the Time for the Defendant's ſubmitting thereto is expired.

Your Petitioner therefore moſt humbly prays your Honour, That it may be referred to one of the Maſters of this Honourable Court, to look into your Petioner's Bill,

Bill, the Defendant's Anſwer, and the Exceptions taken thereto by your Petitioner, and certify whether the ſaid Anſwer be ſufficient in the Points excepted to or not.

And your Petitioner ſhall ever pray, &c.

N° 15. A Petition to refer Exceptions taken to a Plea and Anſwer, with Leave of the Court.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;

and

C. D. and others — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiffs;

Sheweth,

THAT your Petitioners having exhibited their Bill in this Honourable Court againſt the above-named Defendant, and others, he put in his Plea, and Anſwer thereto, on arguing of which Plea, on the Day of laſt, the ſame was ordered to ſtand for an Anſwer, with Liberty for your Petitioners to except thereto in ſuch Manner as in the ſaid Order mentioned.

That your Petitioners obtained your Honour's Order, dated the Day of laſt, that your Petitioners might be at Liberty to file their Exceptions to the ſaid Plea and Anſwer as in due Time, and your Petitioners accordingly ſoon afterwards filed the ſame; but the ſaid Defendant hath not yet put in an Anſwer thereto, although his Time for that Purpoſe is expired.

Your Petitioners therefore moſt humbly pray your Honour, That it may be referred to one of the Maſters of this Honourable Court to look into your Petitioner's Bill, the ſaid Defendant's Plea and Anſwer, and the Exceptions taken by your Petitioners thereto, and certify wherein the ſaid Plea and Anſwer is inſufficient.

And your Petitioners ſhall ever pray, &c.

N° 16. Petition to ſerve a Subpœna to hear Judgment on a Defendant's Clerk in Court, the Defendant not being to be found.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. and others — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiffs;

Sheweth,

THAT this Cauſe being ſet down to be heard on the Day of next, your Petitioners have cauſed a Subpœna to hear Judgment to be ſued out, but your Petitioners have not been able to ſerve the above Defendant *C. D.* therewith, although they have uſed all Diligence to find him for that Purpoſe; and your Petitioners are induced to believe that the ſaid *C. D.* keeps out of the Way, or ſecretes himſelf purpoſely to avoid being ſerved with the ſaid Subpœna, as by the Affidavit annexed appears.

Your Petitioners therefore moſt humbly pray your Honour, That Service of the ſaid Subpœna to hear Judgment on the ſaid Defendant *C. D.'s* Clerk in Court may be deemed good Service on the ſaid Defendant.

And your Petitioners ſhall ever pray, &c.

N. B. An Affidavit muſt be left with this Petition, verifying the Fact of the Defendant not being to be found, although every Endeavour has been uſed for that Purpoſe.

N° 17. Petition to adjourn a Cauſe.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. and others — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiffs;

Sheweth,

THAT this Cauſe is ſet down to be heard before your Honour on Monday the 7th Day of May next.

That your Petitioners are adviſed it will be neceſſary to amend their Bill, by adding Parties, which they will not be able to do, ſo as to hear the Cauſe by the Time aforeſaid.

Your Petitioners therefore moſt humbly pray your Honour, That this Cauſe may ſtand adjourned till the firſt Day of Cauſes in next Eaſter Term, the Defendants, by their Clerk in Court, conſenting thereto.

And your Petitioners ſhall ever pray, &c.

N° 18. Another Petition to adjourn a Cauſe.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. and others — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiffs;

Sheweth,

THAT this Cauſe having been ſet down to be heard before your Honour on Monday the 7th Day of May laſt, and your Petitioners having been adviſed to amend their Bill, by adding Parties, your Honour on the 28th Day of April laſt, was pleaſed to order that this Cauſe ſhould ſtand adjourned till the firſt Day of Cauſes in next Trinity Term.

That your Petitioners will not be able to obtain the Anſwer of the new Parties ſo as to hear the Cauſe by the Time aforeſaid.

Your Petitioners therefore moſt humbly pray your Honour, that this Cauſe may ſtand adjourned till the firſt Day of Cauſes after Trinity Term next, the Defendants, by their Clerk in Court, conſenting thereto.

And your Petitioners ſhall ever pray, &c.

N° 19. Another Petition to adjourn a Cauſe.

In Chancery.

Between *A. B.* and others — — — — — — — PLAINTIFFS;
and
C. D. and others — — — — — — — DEFENDANTS.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of the Plaintiffs;

Sheweth,

THAT this Cauſe is ſet down to be heard before your Lordſhip on Monday the Day of

That *E. F.* one of the Defendants, is become a Bankrupt ſince the Cauſe was ſet down, and it will be neceſſary to file a Supplemental Bill againſt the Aſſignees of his Eſtate and Effects, which your Petitioners will not be able to do, and to procure the Anſwer of the ſaid Aſſignees thereto by the Time aforeſaid.

Your Petitioners therefore moſt humbly pray your Lordſhip, That this Cauſe may ſtand adjourned till the Defendants, by their Clerk in Court, conſenting thereto.

And your Petitioners ſhall ever pray, &c.

N° 20. Another Petition to adjourn a Cauſe.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;
and
C. D. and others — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT this Cauſe is ſet down to be heard before your Honour on the Day of next, and your Petitioner hath ſerved all the Defendants, except the above-named Defendant *C. D.* with Subpœna to hear Judgment; but the ſaid *C. D.* having lately left his Lodgings in Town, and gone on a Journey to the North of England, your

Petitioner has made various Enquiries after him, and has juſt diſcovered that the ſaid *C. D.* will be at Durham in a few Days, where your Petitioner may procure him to be ſerved with a Subpœna to hear Judgment in this Cauſe.

That the ſaid Cauſe ſtanding ſo early in the Term, your Petitioner will not be able to ſerve the ſaid Defendant with a Subpœna to hear Judgment in due Time, and in regard this Application is in your Petitioner's own Delay.

Your Petitioner therefore humbly prays your Honour, That this Cauſe may ſtand adjourned to the firſt Day of Cauſes in Eaſter Term next.

And your Petitioner ſhall ever pray, &c.

N° 21. Petition to examine a Witneſs de bene eſſe before Iſſue joined.

In Chancery.

Between *A. B.* —— —— — — — — — — PLAINTIFF;

and

C. D. and others — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT he hath lately exhibited his Bill of Complaint in this Honourable Court againſt the above-named Defendants, who have appeared thereto, and have obtained an Order for Time to Anſwer.

That one *L. R.* a very material Witneſs for your Petitioner in this Cauſe, and without whoſe Teſtimony your Petitioner is adviſed he cannot ſafely proceed to a Hearing thereof, is upwards of ſeventy Years of Age, and in a very ſickly and infirm State, not likely to live long, as by the Affidavit annexed appears.

Your Petitioner therefore moſt humbly prays your Honour, That he may be at Liberty forthwith to examine the ſaid *L. R.* de bene eſſe, as a Witneſs for your Petitioner, ſaving juſt Exceptions.

And your Petitioner ſhall ever pray, &c.

N. B. A Witneſs going abroad may be examined in the ſame way, and ſo may a Perſon who is the only Witneſs to a material fact in the Cauſe, whatever may be the Age of ſuch Witneſs. See Hankin *v.* Middleditch, 2 Br. 641, and the Caſes there cited.

N° 22.

N° 22. Petition to examine a Defendant as a Witneſs for the Plaintiff.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. E. F. and others — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiffs;

Sheweth,

THAT this Cauſe being at Iſſue, your Petitioners are adviſed that the above-named Defendant *E. F.* is a very material Witneſs for your Petitioners.

Your Petitioners therefore moſt humbly pray your Honour, That they may be at Liberty to examine the ſaid Defendant *E. F.* in this Cauſe, as a Witneſs for your Petitioners, ſaving juſt Exceptions.

And your Petitioners ſhall ever pray, &c.

N° 23. Petition of a Plaintiff to enlarge Publication.

In Chancery

Between *A. B.* — — — — — — — — — PLAINTIFF;
and
C. D. — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT this Cauſe being at Iſſue, your Petitioner's Clerk in Court, on the Day of Inſtant, entered a Rule to paſs Publication, which Rule will expire on the Day of Inſtant.

That at the Time your Petitioner cauſed the ſaid Rule to be entered, he conceived that he ſhould be able to examine all his Witneſſes previous to the Expiration of the ſame; but your Petitioner having ſeveral Witneſſes yet to examine, finds he will not be able to procure their Examination in Time, and in regard this Application is in your Petitioner's own Delay.

Your Petitioner therefore moſt humbly prays your Honour, That Publication in this Cauſe may be enlarged till the firſt Seal before next Term.

And your Petitioner ſhall ever pray, &c.

N° 24. Petition to add Interrogatories, but not to examine any Witneſſes already examined.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT your Petitioner obtained an Order for a Commiſſion to examine Witneſſes, returnable and accordingly examined ſeveral Witneſſes, and returned the Commiſſion; but before Publication paſſed, the Defendant procured an Order for a Commiſſion to examine Witneſſes, and your Petitioner has joined in Commiſſion for that Purpoſe; but the ſaid Commiſſion is not yet executed, nor is any Notice given for the Execution thereof.

That your Petitioner is adviſed to add an Interrogatory or two to his former Set of Interrogatories.

Your Petitioner therefore humbly prays your Honour, That he may be at Liberty to add an Interrogatory or two to his former Set of Interrogatories, but ſo as not to examine any Witneſs that hath already been examined.

And your Petitioner ſhall ever pray, &c.

N° 25.

N° 25. A Petition to add Interrogatories, to Interrogatories filed in the Examiner's Office in Town.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT this Cauſe being at Iſſue, your Petitioner has exhibited Interrogatories for the Examination of Witneſſes, and procured ſeveral to be examined.

That your Petitioner is ſince adviſed, that it is neceſſary to add an Interrogatory or two to his ſaid Interrogatories ſo exhibited, and in regard Publication is not paſſed.

Your Petitioner therefore humbly prays your Honour, That he may be at Liberty to add an Interrogatory or two to his ſaid Set of Interrogatories already filed, but ſo as not to examine any Witneſs already examined.

And your Petitioner ſhall ever pray, &c.

N° 26. Petition for a Commiſſion to examine Witneſſes after Publication paſſed, and the Cauſe ſet down for a Hearing.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT this Cauſe being at Iſſue, and your Petitioner conceiving that it was not neceſſary to enter into any Proof on his Behalf, and the Defendant not examining any Witneſſes, Publication paſſed, and the Cauſe has been ſet down to be heard.

That your Petitioner is now adviſed that it is neceſſary to prove the Execution of ſeveral Deeds, and the ſigning of ſeveral Accounts; the Witneſſes to prove which live in the Country, and in regard this is in your Petitioner's own Delay.

Your Petitioner therefore moſt humbly prays your Honour, That he may have a Commiſſion to examine his Witneſſes in the Country, returnable without Delay, and that the Defendant's Clerk in Court may, in four Days after Notice hereof, join and ſtrike Commiſſioners Names with your Petitioner's Clerk in Court, or in Default thereof, that your Petitioner may have ſuch Commiſſion directed to his own Commiſſioners.

And your Petitioner ſhall ever pray, &c.

N° 27. Petition for Leave to examine Witneſſes, after Publication paſſed upon the uſual Affidavit.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT Publication is paſſed in this Cauſe, and the ſame is ſet down to be heard before your Honour in the next Term; but your Petitioner having ſeveral very material Witneſſes to examine, without whoſe Teſtimony your Petitioner cannot with Safety proceed to a Hearing, and neither your Petitioner, his Clerk in Court, or Solicitor having ſeen, read, or heard read the Depoſitions taken in this Cauſe, or been informed or acquainted with the Purport or Contents thereof, as by the Affidavit annexed appears.

Your Petitioner therefore moſt humbly prays your Honour, That Publication in this Cauſe may be enlarged until the firſt Seal before next Term.

And your Petitioner ſhall ever pray, &c.

See the Form of the Affidavit on which this Petition is grounded, under Title "Affida-" vits," N° 11.

N. B. Either the Plaintiff or a Defendant may make an Application for the above Purpoſe.

N° 28.

N° 28. Petition to ſet down Exceptions to the Maſter's Report, to be argued.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;

and

C. D. and *E. F.* — — — — — — — DEFENDANTS.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of the Plaintiff;

Sheweth,

THAT Mr. Popham, to whom this Cauſe ſtands referred, has made his Report therein, dated the Day of laſt, to which your Petitioner hath lately filed Exceptions, and hath depoſited Five Pounds, as by the Regiſter's Certificate hereto annexed appears.

Your Petitioner therefore moſt humbly prays your Lordſhip to appoint a ſhort Day for the arguing the ſaid Exceptions, *(or that the ſaid Exceptions may be ſet down to be argued next after the Exceptions already ſet down before your Lordſhip.)*

And your Petitioner ſhall ever pray, &c.

N° 29. Petition to ſet down a Cauſe for Hearing, on further Directions on the Maſter's Report.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;

and

C. D. and others — — — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT by an Order made by your Honour on the Hearing of this Cauſe, on the Day of 178, it was ordered and decreed, that it ſhould be referred to Mr. Popham, one of the Maſters of this Honourable Court, to take the Accounts, and make the Enquiries therein mentioned, and your Honour did reſerve the Conſideration * of

* If only ſubſequent Coſts are reſerved, the Petition muſt ſo ſtate it, and the Prayer made agreeably thereto.

the Coſts of this Suit, and of all further Directions, until after the ſaid Maſter ſhould have made his Report.

That the ſaid Maſter hath made his Report on the Matters ſo referred to him, bearing Date the Day of laſt, which hath been abſolutely confirmed.

Your Petitioner therefore moſt humbly prays your Honour, That this Cauſe may be ſet down to be heard before your Honour on further Directions, and as to the Matter of Coſts reſerved by the ſaid Decree; and that your Honour will appoint a ſhort Day for the Hearing thereof.

And your Petitioner ſhall ever pray, &c.

N° 29*. Petition to ſet down a Cauſe for further Directions on the Maſter's Report, where Exceptions have been taken to the Report by a Defendant.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of the Plaintiff;

Sheweth,

THAT by the Decree or Decretal Order made on the hearing of this Cauſe before your Lordſhip on the day of 178 , it was referred to Mr. Popham, one of the Maſters of this Court, to take the Accounts, and make the enquiries therein directed, and your Lordſhip did reſerve the conſideration of all further Directions until after the ſaid Maſter ſhould have made his Report.

That the ſaid Maſter hath made his Report on the Matters ſo referred to him, bearing date the day of laſt, to which the Defendant hath taken Exceptions which are ſet down to be argued before your Lordſhip.

Your Petitioner therefore moſt humbly prays your Lordſhip, That this Cauſe may be ſet down to be heard before your Lordſhip on the further Directions reſerved by the ſaid Decree, and may be heard, and the ſaid Exceptions argued at the ſame Time.

And your Petitioners ſhall ever pray, &c.

N° 30. Petition to enter a Decree, or Order, nunc pro tunc.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT the Decree made in this Cauſe, bearing Date the Day of laſt, has been drawn up and paſſed by the Regiſter, but the Time for entering the ſame according to the Rules of this Court being elapſed.

Your Petitioner humbly prays your Honour, That the ſaid Decree, or Decretal Order, may be entered nunc pro tunc.

And your Petitioner ſhall ever pray, &c.

N° 31. Petition to prove Exhibits vivâ voce at the Hearing of a Cauſe.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT this Cauſe being ſet down to be heard before your Honour, your Petitioner is adviſed that it will be neceſſary for him to prove at the Hearing thereof certain Letters written by the Defendant to your Petitioner, of the following Dates; 10th March 1780, 5th April 1780, 15th July 1780, 16th September 1780.

Your Petitioner therefore humbly prays your Honour, That he may be at Liberty at the Hearing of this Cauſe to examine one or more Witneſs or Witneſſes vivâ voce, to prove the ſaid Defendant's Hand-writing to the ſaid Letters; and that they may be read in Evidence for your Petitioner.

And your Petitioner ſhall ever pray, &c.

N° 32. Petition to reſtore a Cauſe after its being ſtruck out of the Paper, on Account of the Non-attendance of the Parties.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;
and
C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of the Plaintiff;

Sheweth,

THAT this Cauſe was in the Paper for Hearing before your Lordſhip this Day of Inſtant, but your Petitioner's Counſel not being preſent, the ſame was ſtruck out of the Paper.

That it is important your Petitioner ſhould have the Directions of the Court in the ſaid Cauſe as ſpeedily as poſſible.

Your Petitioner therefore moſt humbly prays your Lordſhip, That this Cauſe may be reſtored in your Lordſhip's Liſt of Cauſes, and that the ſame may ſtand in the Paper for the Day of Inſtant.

And your Petitioner ſhall ever pray, &c.

N. B. A Petition to reſtore a Cauſe ſhould be preſented immediately, or the Prayer will not be granted.

N° 33. Petition for a Plaintiff to diſmiſs his Bill with Coſts.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;
and
C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT your Petitioner having exhibited his Bill in this Honourable Court, againſt the above-named Defendant, who has appeared and put in his Anſwer thereto, your Petitioner is now adviſed to diſmiſs his ſaid Bill.

Your

Your Petitioner therefore moſt humbly prays your Honour, That the ſaid Bill may ſtand diſmiſſed out of this Court, with Coſts, to be taxed by one of the Maſters thereof.

And your Petitioner ſhall ever pray, &c.

N° 34. Petition to ſet down a Plea, *or Demurrer*, to be argued.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;
and
C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of the Plaintiff;

Sheweth,

THAT your Petitioner having exhibited his Bill in this Honourable Court againſt the above-named Defendant, he hath put in a Plea *(or Demurrer)* and Anſwer thereto.

Your Petitioner therefore humbly prays your Lordſhip, That the ſaid Plea *(or Demurrer)* may be ſet down to be argued next after the Pleas and Demurrers already ſet down.

And your Petitioner ſhall ever pray, &c.

See the form of a Petition for a Defendant, N° 47.

N° 35. Petition for ſix Weeks Time to anſwer, in a Country Cauſe.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. and *E. F.* and others — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the above-named Defendants;

Sheweth,

THAT the Plaintiffs have lately filed their Bill in this Honourable Court againſt your Petitioners, and others, to which your Petitioners have appeared, and taken a Copy, but have not been able to put in their Anſwer by the Time limited by the Rules of the Court.

That

That your Petitioners are not in Contempt; are reſident at Norwich, and have as yet had no Order for Time.

Your Petitioners therefore moſt humbly pray your Honour, That they may have ſix Weeks Time to plead, anſwer, or demur to the Plaintiffs' Bill.

And your Petitioners will ever pray, &c.

N° 36. Petition for a Month's further Time.

In Chancery.

Between *A. B.* and others — — — — — — — PLAINTIFFS;
and
C. D. E. F. and others — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the above-named Defendants;

Sheweth,

THAT the Plaintiffs have lately filed their Bill in this Honourable Court againſt your Petitioners, and others, to which your Petitioners have appeared, and have taken a Copy,

That your Petitioners reſide at Norwich; have had but one Order for ſix Weeks Time to anſwer, and are not in Contempt.

Your Petitioners therefore humbly pray your Honour, That they may have a Month's further Time to plead, anſwer, or demur to the Plaintiffs' Bill.

And your Petitioners will ever pray, &c.

N. B. On a ſecond Application for Time, remember to leave your former Order with the Regiſter at the Time you beſpeak the ſecond Order.

N° 37. Petition for three Weeks further Time.

In Chancery.

Between *A. B.* and others — — — — — — — — PLAINTIFFS;
and
C. D. E. F. and others — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Defendants;

Sheweth,

THAT the Plaintiffs have filed their Bill in this Honourable Court againſt your Petitioners, and others, to which your Petitioners have appeared, and have taken a Copy.

That your Petitioners reſide at Norwich; have had but two Orders for Time, and are not in Contempt.

Your Petitioners therefore humbly pray your Honour, That they may have a Commiſſion to take their Plea, Anſwer, or Demurrer to the Plaintiffs' Bill, and that the Plaintiffs may, in two Days after Notice thereof, join in Commiſſion; or in Default thereof, that your Petitioners may have ſuch Commiſſion to their own Commiſſioners, and that your Petitioners may have three Weeks Time to return the ſame.

And your Petitioners ſhall ever pray, &c.

N. B. This being the third Application, the Defendants muſt enter their Appearance with the Regiſter; for the Mode of doing whereof, ſee Page 130. The Commiſſion may be prayed for by either the firſt or ſecond Petition; Leave to iſſue it being once obtained, it need not form a Part of the Prayer of any of the ſubſequent Petitions. The two former Orders ſhould be left with the Regiſter at the Time of beſpeaking the third Order.

N° 38. Petition for a Month's Time to anſwer, in a Town Cauſe.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. E. F. and others — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the above-named Defendants;

Sheweth,

THAT the Plaintiffs having filed their Bill in this Honourable Court againſt your Petitioners, and others, your Petitioners have appeared thereto, and have taken a Copy thereof.

That your Petitioners are not in Contempt, nor have they yet had any Order for Time.

Your Petitioners therefore humbly pray your Honour, That they may have a Month's Time to plead, anſwer, or demur to the Plaintiffs' Bill.

And your Petitioner ſhall ever pray, &c.

N° 39. Petition for three Weeks further Time, in a Town Cauſe.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. E. F. and others — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the above-named Defendants;

Sheweth,

THAT the Plaintiffs have filed their Bill of Complaint in this Honourable Court againſt your Petitioners, and others, to which your Petitioners have appeared, and taken a Copy thereof.

That your Petitioners have had but one Order for Time, and are not in Contempt.

Your Petitioners therefore humbly pray your Honour, That they may have three Weeks further Time to plead, anſwer, or demur to the Plaintiffs' Bill.

And your Petitioners ſhall ever pray, &c.

N. B. See the Directions on obtaining a ſecond and third Order, N°s 36 and 37.

N° 40. Petition for a Fortnight's further Time.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;
and
C. D. E. F. and others — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the above-named Defendants;

Sheweth,

THAT the Plaintiffs have filed their Bill in this Honourable Court againſt your Petitioners, and others, to which your Petitioners have appeared, and taken an Office Copy thereof.

That your Petitioners have had two Orders for Time; are not in Contempt.

Your Petitioners therefore moſt humbly pray your Honour, That they may have a Fortnight's further Time to plead, anſwer, or demur.

And your Petitioners will ever pray, &c.

N. B. This Order will be made only upon the Terms of the Defendants entering their Appearance with the Regiſter purſuant to the Order of the 23d January 1794. See ante Page 130.

N° 41. Petition for a Plaintiff reſident abroad, to give Security to anſwer Coſts, and for a Month's Time to anſwer, after ſuch Security given.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;
and
C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Defendant;

Sheweth,

THAT the Plaintiff hath lately filed his Bill in this Honourable Court againſt your Petitioner, and your Petitioner having been ſerved with a Subpœna to appear to and

anſwer the ſaid Bill, your Petitioner hath appeared thereto, and hath taken an Office Copy thereof.

That the Plaintiff, by his Bill, ſtiles himſelf of New York, in North America.

Your Petitioner therefore humbly prays your Honour, That the Plaintiff may procure ſome ſufficient Perſon on his Behalf to give Security according to the Courſe of the Court *to the two Senior Six Clerks of this Honourable Court, not towards the Cauſe, in a Bond of £.40. conditioned* to anſwer Coſts, in caſe this Honourable Court ſhall think fit to award any before your Petitioner ſhall be obliged to put in his Anſwer to the ſaid Bill; and that your Petitioner may have a Month's Time to plead, anſwer, or demur to the ſaid Bill, after the Plaintiff has given ſuch Security.

And your Petitioner ſhall ever pray, &c.

N.B. The Words in Italic in the Prayer may be omitted.

N° 42. Petition that the Defendant, a Portugueſe Merchant, may put in his Anſwer in the Portugueſe Language by an Interpreter.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Defendant;

Sheweth,

THAT the Plaintiff having exhibited his Bill of Complaint in this Honourable Court againſt your Petitioner, your Petitioner hath appeared thereto, and taken an Office Copy thereof.

That your Petitioner is a Portugueſe Merchant, reſident in England, but totally unacquainted with the Engliſh Language.

Your Petitioner therefore moſt humbly prays your Honour, That he may be at Liberty to put in his Anſwer to the Plaintiff's Bill in the Portugueſe Language, and

and that *L. R.* of the City of London, Notary Public, may be appointed to interpret the Oath to be adminiſtered to your Petitioner in putting in the ſaid Anſwer, and may be ſworn to interpret the ſame truly; and that the ſaid *L. R.* may be alſo appointed to tranſlate your Petitioner's ſaid Anſwer, when put in, out of the Portugueſe into the Engliſh Language, and that he may be ſworn to the Truth of ſuch Tranſlation; and that ſuch Tranſlation may be annexed to, and filed with your Petitioner's ſaid Anſwer.

And your Petitioner ſhall ever pray, &c.

N° 43. Petition for a Month's Time to anſwer Exceptions and Amendments.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Defendant;

Sheweth,

THAT the Plaintiff having filed his Bill in this Honourable Court againſt your Petitioner, your Petitioner put in his Anſwer thereto, to which the Plaintiff hath taken Exceptions; and your Petitioner ſubmitting to anſwer the ſame, the Plaintiff hath amended his Bill, and obtained an Order that your Petitioner ſhall anſwer the Amendments and Exceptions at the ſame Time.

That your Petitioner as yet hath had no Order for Time to put in his Anſwer thereto.

Your Petitioner therefore moſt humbly prays your Honour, That he may have a Month's Time to put in his Plea, Anſwer, or Demurrer to the ſaid amended Bill, and Exceptions.

And your Petitioner ſhall ever pray, &c.

N° 44. Petition that a Feme Covert Defendant may anſwer ſeparate from her Huſband.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;

and

C. D. and *E.* his Wife, and others — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the ſaid *E.* Wife of the Defendant *C. D.*;

Sheweth,

THAT the Plaintiff has exhibited his Bill in this Honourable Court againſt your Petitioner, and her ſaid Huſband, and others, to which your Petitioner hath appeared and taken a Copy thereof.

Your Petitioner moſt humbly prays your Honour, That ſhe may be at Liberty to put in her Anſwer to the Plaintiff's ſaid Bill, ſeparate from her Huſband.

And your Petitioner ſhall ever pray, &c.

N° 45. Petition for a Commiſſion to aſſign a Guardian for an Infant Defendant, and to take the Anſwer by ſuch Guardian.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;

and

C. D. E. F. and others — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the above-named Defendant *E. F.* an Infant;

Sheweth,

THAT the Plaintiff having exhibited his Bill in this Honourable Court againſt your Petitioner, and others, your Petitioner hath appeared thereto, and taken a Copy thereof.

That your Petitioner is an Infant reſiding at Bury St. Edmund's, in the County of Suffolk.

Your

Your Petitioner therefore moſt humbly prays your Honour, That he may be at Liberty to ſue out a Commiſſion to aſſign him a Guardian, and to take his Plea, Anſwer, or Demurrer by ſuch Guardian, and that the Plaintiff's Clerk in Court may, in two Days after Notice hereof, give Commiſſioners Names to your Petitioner's Clerk in Court, or in Default thereof that your Petitioner may have the ſaid Commiſſion directed to his own Commiſſioners.

And your Petitioner ſhall ever pray, &c.

N° 46. Petition to withdraw a Plea, or Demurrer.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Defendant;

Sheweth,

THAT the Plaintiff having exhibited his Bill in this Honourable Court in this Cauſe, your Petitioner put in his Plea, *(or Demurrer)* thereto, ſince which your Petitioner is adviſed to make other Defence to the ſaid Bill.

Your Petitioner therefore humbly prays your Honour, That he may be at Liberty to withdraw his Plea *(or Demurrer)* upon Payment of 20*s*. Coſts to the Plaintiff's Clerk in Court.

And your Petitioner ſhall ever pray, &c.

N° 47.

N° 47. A Petition to ſet down a Plea to be argued.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of the Defendant;

Sheweth,

THAT the Plaintiff having exhibited his Bill in this Honourable Court in this Cauſe, your Petitioner put in his Plea and Anſwer thereto, which Plea the Plaintiff hath not yet ſet down to be argued.

Your Petitioner therefore moſt humbly prays your Honour, That the ſaid Plea may be ſet down to be argued next after the Pleas and Demurrers already ſet down.

And your Petitioner ſhall ever pray, &c.

A Petition to ſet down a Demurrer is to the ſame Effect.

See the Form of a Petition for Plaintiff, N° 34.

N° 48. Petition for a Commiſſion to examine Witneſſes.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Defendant;

Sheweth,

THAT this Cauſe being at Iſſue, and the Plaintiff not having obtained a Commiſſion for the Examination of Witneſſes therein, or applied for the ſame; and your Petitioner having ſeveral material Witneſſes to examine, who reſide in the Country, without whoſe Teſtimony he cannot hear the Cauſe;

Your Petitioner therefore moſt humbly prays your Honour, That he may be at Liberty to ſue out a Commiſſion for the Examination of his Witneſſes, returnable without Delay; and that the Plaintiff's Clerk in Court may, in four Days, join and ſtrike Commiſſioners Names with your Petitioner, or in Default thereof that your Petitioner may have ſuch Commiſſion directed to his own Commiſſioners, and that he may have Liberty to execute the ſame in Term Time.

And your Petitioner ſhall ever pray, &c.

N° 49. Petition to enlarge Publication.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Defendant;

Sheweth,

THAT Publication in this Cauſe will paſs by Rule, on the Day of Inſtant, and your Petitioner has ſeveral Witneſſes to examine, whom he will not be able to examine before the Expiration of the ſaid Rule.

Your Petitioner therefore moſt humbly prays your Honour, That Publication in this Cauſe may be enlarged till the firſt Day of next Term, ſo as not to hinder the Plaintiff from ſetting down his Cauſe (*if a Commiſſion to examine Witneſſes is neceſſary, the Prayer of the Petition*, N° 48, *ſhould be added.*)

N° 50.

N° 50. Petition to ſet down a Cauſe for Re-hearing, where a Defendant has made Default of Appearance at the Hearing.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;
and
C. D. E. F. and others — — — — DEFENDANTS.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of the Defendant *E. F.*

Sheweth,

THAT this Cauſe came on to be heard on the Day of laſt, when in Default of your Petitioner's Appearance your Lordſhip made the uſual Decree with reſpect to your Petitioner.

That your Petitioner is willing to pay to the Plaintiff the Coſts of that Day's Attendance.

Your Petitioner therefore moſt humbly prays your Lordſhip, That ſome ſhort day may be appointed for the Hearing of this Cauſe as to your Petitioner.

And your Petitioner ſhall ever pray, &c.

N° 51. Petition to ſet down a Cauſe for further Directions, after a Verdict obtained on the Trial of an Iſſue directed by the Decree.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;
and
C. D. and *E. F.* — — — — — — — DEFENDANTS.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of the Defendant *C. D.*;

Sheweth,

THAT on the Hearing of this Cauſe, on the Day of laſt, your Lordſhip was pleaſed to order and decree that your Petitioner, and the other Defendant *E. F.* ſhould proceed to a Trial at Law in the Court of King's Bench, on the following Iſſue, viz.

(here

(here ſtate the Iſſue) and your Lordſhip did reſerve the Conſideration of all further Directions until after ſuch Trial ſhould be had.

That the ſaid Iſſue came on to be tried at the Sitting after the laſt Term at Weſtminſter Hall, when your Petitioner obtained a Verdict.

Your Petitioner therefore moſt humbly prays your Lordſhip, that this Cauſe may be ſet down to be heard on further Directions next after the Cauſes already ſet down before your Lordſhip.

And your Petitioner ſhall ever pray, &c.

N° 52. Petition for a Commiſſion to aſſign a Guardian for a Defendant, being a Perſon of unſound Mind, by whom ſuch Defendant may anſwer and defend the Suit.

In Chancery.

Between *A. B.* and others — — — — — — PLAINTIFFS;

and

C. D. and others — — — — — — DEFENDANTS.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the above-named Defendant;

Sheweth,

THAT the Plaintiffs having filed their Bill of Complaint in this Honourable Court againſt your Petitioner, and others, but your Petitioner being a Perſon of unſound Mind, is incapable of managing his Affairs, or putting in an Anſwer to the ſaid Bill, and defending the ſaid Suit, without a Guardian being appointed to him for that purpoſe, as by the Affidavit annexed appears;

Your Petitioner therefore moſt humbly prays your Honour, That he may be at Liberty to ſue out a Commiſſion to aſſign him a Guardian, and to take his Plea, Anſwer, or Demurrer by ſuch Guardian, and that the Plaintiffs' Clerk in Court may, in two Days after Notice hereof, give Commiſſioners Names to your Petitioner's Clerk in Court, or in Default thereof that your Petitioner may have the ſaid Commiſſion directed to his own Commiſſioners.

And your Petitioner ſhall ever pray, &c.

N° 53. Petition for Plaintiff to be admitted to ſue in Forma Pauperis.

In Chancery.

Between *A. B.* — — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Plaintiff;

Sheweth,

THAT your Petitioner having filed his Bill in this Honourable Court againſt the ſaid Defendant, thereby ſetting forth, That (here ſtate ſhortly the Plaintiff's title to the Matters in queſtion, as ſtated in the Bill).

That your Petitioner by reaſon of his Poverty, as appears by the annexed Affidavit, is utterly unable to proſecute his ſaid Suit, unleſs he is admitted ſo to do in Forma Pauperis.

Your Petitioner therefore humbly prays your Honour, That he may be admitted to proſecute his ſaid Suit in forma pauperis, and that Mr. *E.* may be aſſigned his Counſel, and Mr. *F.* his Six Clerk.

And your Petitioner ſhall ever pray, &c.

Counſel's Certificate to be given at the foot of the Petition.

I humbly conceive that the Plaintiff has juſt Cauſe to be relieved, touching the Matters of this Petition, and for which he has exhibited his Bill.

See the form of the Affidavit to be annexed to this Petition, under Title, "Affidavits," N° 7.

N° 54.

N° 54. Petition of a Defendant to be admitted to defend in Forma Pauperis.

In Chancery.

Between *A. B.* — — — — — — — — — PLAINTIFF;

and

C. D. — — — — — — — — — DEFENDANT.

To the Right Honourable the Maſter of the Rolls.

The humble Petition of the Defendant;

Sheweth,

THAT your Petitioner is ſerved with Proceſs to appear to and anſwer the Plaintiff's Bill, but by reaſon of his extreme Poverty is unable to make his Defence thereto, if not permitted to defend in Forma Pauperis, as by the Affidavit annexed appears.

Your Petitioner therefore moſt humbly prays your Honour to admit him to defend this Suit in Forma Pauperis, and to aſſign him for his Council Mr. *A.* and Mr. *B.* for his Six Clerk.

And your Petitioner ſhall ever pray, &c.

N. B. No Certificate of Counſel is neceſſary to ground an Order on this Petition; the Defendant being compulſorily brought into Court, muſt be enabled to make the beſt Defence the Caſe will admit of.

The Solicitor's Charges in the Court of Chancery are regulated by the following Rules.

For Drawing Pleadings, Affidavits, Charges, and Diſcharges, and any other Proceedings, 6*d.* per Folio (the Chancery Folio contains ninety words).

For Engroſſing of Pleadings, that is, Bills and Anſwers, 4*d.* per Folio.

Fair Copying, in every Caſe, where neceſſary, 2*d.* per Folio.

For every neceſſary Attendance, 6*s.* 8*d.*

Of Attendances, in ſtrict Coſts, one is allowed taking Inſtructions for an Anſwer, and one reading it over to the Defendant, and attending him to ſwear the ſame.

In Affidavits the like.

Agent's Charges.

Half the above Charges except in Copies and engroſſing Affidavits, where 1½*d.* per Folio is charged.

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